

1 COMMONWEALTH OF MASSACHUSETTS

2 CITY OF SPRINGFIELD

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6
7 Public hearing held before the Special
8 Committee on Police Oversight, held at
9 Rebecca Johnson School, 55 Catharine
10 Street, Springfield, Massachusetts on
11 Thursday, December 9, 2010, commencing
12 at 6:00 p.m.

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15 COMMITTEE MEMBERS:

16 (See page two)

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CITY OF SPRINGFIELD
Law Department

Helga Ragle
Court Reporter

1 MEMBERS OF THE COMMITTEE ON POLICE OVERSIGHT:

2 **Members of the Civil Rights and Race Relations**
3 **Committee:**

4 E. Henry Twiggs, Chair and City Council Vice-President

5 John Lysak, City Council

6 Keith Wright, City Council (Not present)

7 **Members of the Public Health & Safety Committee:**

8 Thomas Ashe, Chair

9 Michael Fenton, City Council (Not present)

10 Kateri Walsh, City Council (Not present)

11 **Non-elected members representing the public:**

12 Donald H. Baker

13 Prof. Nicholas C. Camerota

14 David J. Jarnes

15 Archbishop Timothy Paul

16 Dean Arlene Rodriguez

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2 (The meeting was called to order at 6:05 p.m.)
3

4 MR. TWIGGS: Good evening. It is a few
5 minutes after six o'clock and this committee prides
6 itself in trying to get started on time and taking
7 care of the people's business.

8 Let me initially take a moment to extend a
9 sincere welcome to you, all of you that have come out
10 here this evening.

11 From what I understand this is one of the
12 coldest nights of the year so far and you saw a need
13 to come out and continue the work of this committee.
14 And so I just want to personally thank you for coming
15 out.

16 The primary purpose of this meeting, it is a
17 public meeting, and this meeting has been called for
18 ward four and ward five for the citizens and those
19 particular committees to come out and to give
20 testimony with respect to what the -- what kind of
21 board should be established in the city, what kind of
22 citizen board should be established in the city, or
23 should we have a citizen board in the city that will

1 deal with police community relationships.

2 For the benefit of those that have not
3 attended other meetings, we have had meetings in the
4 north end and we have had meetings in Forest Park.

5 We have Six members of the City Council that
6 is a part of this committee, and I want to welcome
7 coming in the door Councilman John Lysak.

8 Thank you, councilor, for coming.

9 In addition, let me introduce other members
10 of this committee.

11 As civilian members of this committee we
12 have to my far right Mr. Don Baker, who is a former
13 Springfield police officer, now operating DHB Floor and
14 Sanding located in Indian Orchard.

15 We have Archbishop Timothy Paul, who is the
16 president of the Council of Churches and pastor of the
17 Basilica of Holy Apostles in Springfield.

18 To his left we have the dynamic city
19 solicitor, Mr. Edward Pikula.

20 And to my left we have Professor Nicholas
21 Camerota who is a key strategist in the campaign to
22 return ward representation to our city and professor of
23 psychology and political science at Springfield

1 Technical Community College.

2 In addition, he is vice-president of the
3 STCC professional association and they are affiliated
4 with the MTA, NEA and Massachusetts Council of
5 Community Colleges.

6 To his left we have Doctor Arlene Rodriguez,
7 who is dean of Springfield Technical Community
8 College's School of Arts and Humanity and Social
9 Science, employed at STCC for more than sixteen
10 years, and she is a former journalist and professor.

11 And to her left we have Mr. David Jarnes, who
12 is vice-president of Mass Senior Action Council and a
13 member of the Pioneer Valley Labor Council. I believe
14 he is vice-president.

15 And to his left we have Councillor Tom Ashe,
16 who is the chair of the public health and safety
17 committee.

18 Thank you. I didn't see you come in, but I am
19 very happy that you are here, Chairman Ashe.

20 And two other people I want to introduce.
21 One is our stenographer, Ms. Helga Ragle, who is from
22 Philbin and Associates, and she is the stenographer and
23 she will be taking down every word that you say here

1 tonight that we will use in our deliberations for the
2 council tonight.

3 And finally I certainly have to mention our
4 chief cook and bottle washer for the City Council, Mr.
5 Robert Arieti.

6 Bob gets everything done for us, and we are
7 very happy that he is also here.

8 I mentioned the purpose. Now, here is some
9 rules for persons who would like to speak before us.
10 When you come to the microphone, we would ask that
11 you please sign your name and address and of course
12 you would say where you live and you would say your
13 name and where you live.

14 We are giving each speaker three minutes.
15 We ask that you keep your remarks in line with what
16 type of board you would like to see us have in the
17 City of Springfield and speak relative to those three
18 proposals that are before us.

19 There is a couple of other people I would
20 certainly like to introduce:

21 Attorney Kevin Coyle, who is the attorney for
22 the police union, and I see President Gentile is also
23 here.

1 So I want to thank you for coming also.

2 I know we have a lot of important people in
3 here tonight and we will introduce all these important
4 people.

5 I just want to give you a nice overview as to
6 who is here and what we are going to be doing.

7 Harry Kastrinakis I am being informed is here
8 from the police academy.

9 OFFICER KASTRINAKIS: Yes, academy
10 director.

11 MR. TWIGGS: Academy director?

12 OFFICER KASTRINAKIS: Yes, sir.

13 MR. TWIGGS: And we are hopeful that he
14 will be making remarks here this evening. Thank you
15 very much for coming.

16 Does any member of the committee wish to say
17 something?

18 Yes, Chairman Ashe.

19 MR. ASHE: No, Mr. Chairman. I am just
20 anxious to hear the testimony and getting on with our
21 business.

22 MR. TWIGGS: We are going to move that
23 microphone around to make sure we are heard all over

1 the place.

2 ARCHBISHOP PAUL: Mr. Chairman, I just
3 want to remind everybody here tonight there are
4 copies of the drafts available here for people to
5 take.

6 MR. TWIGGS: Yes. For the benefit of
7 those interested in having hard copies of the
8 proposals now before the city committee, before the
9 joint committees, you can come forward and get a copy
10 of them. They are all in front, and in addition we
11 have the mission of this body.

12 And what else is there, Bob?

13 MR. ARIETI: The mission statement, the
14 bios on the people, the web site instructions are
15 there as well.

16 MR. TWIGGS: Website instructions.

17 All of this information is on our website, and
18 you are certainly welcome to go to the website to get
19 that information, but we are providing you with hard
20 copies of all the information that this committee has
21 received.

22 Please speak clearly. We are not here to
23 fight anyone. We are not here to antagonize anyone.

1 We are here to take testimony, and you could say and
2 be as comfortable as you can be when you go to the
3 microphone.

4 And we don't want you to be pointing fingers
5 specifically at anyone. We just want to have a good
6 public hearing, and I don't know of any better way to
7 do that.

8 So as you continue to get the documents from
9 here, the first person --

10 Oh I am sorry. My name is E. Henry Twiggs. I
11 am city councilor for ward four and I am chair of the
12 committee on civil rights and race relations.

13 Bob has a notoriety, he'll give you a lot of
14 paper. Thank you, Bob.

15 MR. ARIETI: I have my stop watch too,
16 Mr. Chairman.

17 MR. TWIGGS: Thank you, sir. You will
18 advise me when a person has had three minutes.

19 Now we would open the floor for -- well,
20 before we open the floor, let me just say this:

21 I personally believe that it is possible to
22 protect and serve residents without violating the
23 integrity of the police department and without

1 infringing on the civil rights of our citizens.

2 I would like to see us come up with ways to
3 provide oversight and improve community police
4 relationship, and we must do everything we can to
5 discourage police misconduct, and I would ask anyone
6 who is speaking here tonight, please, we are not here
7 to badger the police department. We are here to find
8 ways of how this committee can come up with a unified
9 way of providing citizen participation in the
10 oversight of the police department.

11 So the first person who would like to testify,
12 we would ask that you come forward and state your name
13 and address.

14 MR. PORTER: Since nobody is stepping up
15 to the plate, I will.

16 MR. TWIGGS: Now when you hear this, the
17 three minutes are up.

18 MR. PORTER: I assume when you meant name
19 and address, you meant ward and you don't necessarily
20 need our street address?

21 MR. TWIGGS: Yes, street address.

22 MR. PORTER: So I -- Carlisle Street.

23 MR. TWIGGS: Did you sign in?

1 MR. PORTER: Yes.

2 MR. TWIGGS: And state your name.

3 MR. PORTER: My name is Garry Porter.

4 MR. TWIGGS: And you live on Carlisle?

5 MR. PORTER: Yes.

6 So the reason why I come out here tonight is
7 because I, like many of the rest of the community,
8 particularly in the Mason Square area, are very
9 concerned about the level of police brutality that is
10 being inflicted upon people of color in the City of
11 Springfield.

12 A case example would be Melvin Jones, the
13 most recent one that comes to mind, and there is a
14 few others, Mr. Radcliff, Delane (sic) Walker, these
15 are all to date unresolved issues where the community
16 believes that the police have gone way beyond the
17 scope of their power, and in some cases caused the
18 death of these individuals.

19 So I am here to voice my opinion that we
20 need a commission that is not in the form that we
21 have right now.

22 I don't know what it may look like, but I
23 don't see anything particular on paper that I think

1 the community would be satisfied with.

2 So I would like to suggest that the very
3 first thing is that we have a commission that is one
4 hundred percent separate and set apart from the
5 police department and the City of Springfield.

6 And when I say the City of Springfield, no
7 political appointments whatsoever, no people hand-
8 picked by the mayor.

9 These people need no come from the community
10 of Springfield, people that in the community -- that
11 the people have identified from the community they
12 believe will represent them when issues like a Melvin
13 Jones, a Gander (sic) Radcliff, Delane (sic) Walker,
14 where people lose their lives occur will represent them
15 fairly.

16 And when I say fairly, the idea that a
17 police commission would witness and, I am assuming,
18 view the attack on Melvin Jones again in particular,
19 and then vote for a suspension and not vote for a
20 prosecution, to me says that we don't have a review
21 board that understands what the community requires.

22 MR. TWIGGS: I will give you another
23 minute to wrap it up.

1 MR. PORTER: Great. So in that one
2 minute my question that brought me here, that
3 although I was opposed to the police being present,
4 but I am glad to hear that a training officer is
5 here. If I understand it right, he was the director of
6 the training academy.

7 So I would like the question to be posed to
8 him and that question is simply:

9 What is the conduct required by police
10 officers in terms of language?

11 Are police officers allowed to use the word
12 nigger?

13 And are police officers allowed to use the F-
14 word? Is that the standard that the city stands
15 behind?

16 And I suspect I know what the answer is, but
17 I would like to hear it directly from him, and that is
18 my piece.

19 Thank you very much.

20 MR. TWIGGS: Hold on just one moment.
21 We have a question. Professor Camerota.

22 MR. CAMERATO: First of all, thank you for
23 your testimony.

1 And some of the points you raised are things
2 that I pondered in the past. I know they have come up
3 at various meetings.

4 When you talk about a police commission or a
5 review board that is completely apart from politics and
6 from the community, my question is:

7 How familiar are you with the three ordinances
8 before us now?

9 I believe you read them, right?

10 MR. PORTER: Yes, I have read them, yes.

11 MR CAMERATO: So of the three that are
12 there, is there one that is more to your liking than
13 not, or is there some other suggestion aside from what
14 you broached tonight that you want to make now?

15 MR. PORTER: Well, let me just say the
16 one that I would say I could get very close to.

17 MR. CAMEROTA: Yes.

18 MR. PORTER: And I can't say what the
19 number is. Is it one?

20 Yes, that one is one that I could say I could
21 get very close to.

22 I want to say I am not in a hundred percent
23 agreement with it.

1 The issue with that though, if I understand it
2 right, the law wouldn't permit that it go into play
3 until 2013.

4 MR. CAMEROTA: Right.

5 MR. PORTER: So there we have an issue,
6 you know.

7 We pass a resolution, but nothing is done for
8 a few years. That is a major problem that I have with
9 that.

10 MR. CAMERATO: If you don't mind.

11 The other question I have for you is this:

12 Are you talking about -- I am wondering if the
13 suppressed premise of the argument is talking about
14 elections to a review board?

15 MR. PORTER: I don't know what it would
16 look like.

17 I just know what we have now where people are
18 being appointed by the mayor is not acceptable to the
19 community.

20 The community has made their voices heard.
21 Nobody in our community is satisfied with the results
22 that have come out of such a commission to date, and
23 there is a huge disconnect.

1 Again, when you view somebody, four police
2 officers, beat down an individual to the point where
3 he almost dies and the review board votes for a
4 suspension, that is a huge disconnect from the
5 community.

6 So I believe I speak on behalf of the
7 community when I say that that is not what we want.

8 MR. TWIGGS: Thank you.

9 MR. JARNES: Just to add to what Professor
10 Camerota said.

11 How do you -- you know, you don't want, and
12 you are very clear you don't want to appoint, a
13 political appointment by the mayor or any political
14 entity of the city.

15 How would you propose that the board be
16 formulated, keeping in mind that we have eight wards in
17 the city?

18 MR. PORTER: That is a great question and
19 one of the things that comes to my mind is that around
20 the city there are some people that are vested in the
21 community or they are known in the community as people
22 that advocate for certain wards.

23 What it would look like for me is to bring

1 some of those people together, along with some of the
2 people on the board, along with the mayor, and to
3 somehow get a pool, a selection of people and allow
4 the people to come out of that selection, but have a
5 huge influence from the community.

6 So if we oppose for instance to individual
7 number one, I think that the mayor should take it
8 under advisement. Somewhat like a jury selection.

9 You know, when we oppose certain people and
10 we voice our reasons why, I think that the mayor and
11 all the other politicians should take that under
12 advisement and understand that we oppose this because
13 we recognize from somebody's history, their past
14 behavior, that they do not act on behalf of certain
15 members of the community.

16 MR. TWIGGS: Thank you.

17 Archbishop.

18 ARCHBISHOP PAUL: Thank you, Mr. Chair.

19 Garry, I know you have been active in
20 community work and with the NWCP and have been involved
21 in their legal redress.

22 Are you referring to the closest draft that
23 you could probably support would be draft number one?

1 Is that correct?

2 MR. PORTER: I believe it is one off the
3 top of my head.

4 ARCHBISHOP PAUL: Would there be any,
5 you know, if you were watching the news lately, the
6 governor and the legislature are now dealing with the
7 same kind of issue with the probation department
8 where they are trying to move them into the civil
9 service because of the political appointees that have
10 been appointed.

11 Would you offer any input as to whether or
12 not the City Council itself -- you specifically
13 singled out the mayor. But would the City Council
14 itself be the kind of group that would, in other
15 words that would confirm members that are appointed.
16 Even if they are appointed by the mayor, they would go
17 through a tier of appointments or confirmation through
18 the City Council representing each area.

19 MR. PORTER: The short answer would be
20 no because I think we need more participation in the
21 decision-making coming from the community.

22 We've got city councilors and, you know,
23 they come and they do their thing, but there is

1 clearly members of the community that are not
2 happy with their councilors and their own
3 representation.

4 So I think people need to be pulled in from
5 the community so they can have more of a voice, and
6 it is impossible to include every member of the
7 community. I understand that.

8 However, when we put organizations like the
9 NAACP, there they should be at the table helping
10 fashion what that board looks like, what that review
11 board looks like.

12 And other organizations from the Latino
13 community should be at the table to fashion what that
14 board looks like.

15 And so in essence that is what I am saying.
16 We need real community representation to help fashion
17 what the board looks like.

18 MR. TWIGGS: Thank you.

19 MR. CAMERATO: Let me just agree with you
20 in terms of a couple of things.

21 And that is, yes, the NAACP, we are talking
22 about a hundred year plus history, responsible
23 history of dealing with community and police

1 relations and establish national organization. No
2 question about that.

3 I also, again, want to thank you for your
4 testimony and to indicate that I know it is difficult
5 to just get up and try to respond to things off the
6 top of your head and some of these things require
7 further study.

8 And this is something that everybody in the
9 audience should be aware of, that it is possible for
10 you to post your comments through the city website so
11 that you can have a more formal presentation and
12 tonight is not the last word on this certainly.

13 So if there is anything you have to add, it
14 can certainly be brought there.

15 MR. PORTER: Thank you.

16 Can I just ask the chairman to remember the
17 question I posed to the director of the academy.

18 MR. TWIGGS: Yes, we will do that.

19 ARCHBISHOP PAUL: Mr. Chair, please thirty
20 seconds if you don't mind.

21 You spoke solely about the abusive part of
22 the police department.

23 What would you like to see in terms of a

1 commission that would actually commend police
2 officers, if that is anything that you would like to
3 see that the commission have that power, commendation
4 kind of power?

5 MR. PORTER: Well, I think that the
6 commission does have power to commend.

7 Just the other day I saw a whole bunch of
8 police officers being commended. I think that does
9 exist.

10 But I just like to stick to this piece where
11 it is about a civilian review board.

12 MR. TWIGGS: Thank you very much for your
13 testimony.

14 And as was suggested, if you have other
15 thoughts on this, please you can draw it up and give it
16 to us in writing.

17 Let me emphatically state, any organization
18 in this city has an opportunity to have input at the
19 table, if they come out and speak to us.

20 Now, we can't to go into those organizations'
21 meetings and say hey, come to the meeting, but we are
22 extending an invitation that for any organization if
23 they have something that they want to say on this

1 issue, please come to the public meeting and or submit
2 something in writing to our website.

3 Next speaker.

4 MR. LEDERMAN: Good evening.

5 My name is Jesse Lederman. I represent the McKnight
6 youth council. I am also the youth chair of the
7 McKnight River Council.

8 We have been involved in this issue since it
9 began to come to public light based on the fact that a
10 lot of the work we do in McKnight and Mason Square is
11 in regards to community police relations in terms of
12 our campaign against violence.

13 We believe it is very important for the
14 community and police department to have mutual respect
15 for each other and feel safe communicating with each
16 other.

17 That being said, both the community and the
18 Springfield police department have been very
19 supportive of the council's work in the community and
20 we commend everyone.

21 Historically we have supported Councilor
22 Ferrera's proposal to return to the five-member
23 police commission, and we understand that it would

1 not go into effect until 2013.

2 I would like to comment on Mr. Porter's
3 testimony.

4 I thought it was a good idea of having it
5 appointed by someone other than the mayor is an
6 excellent idea in terms of making sure that the broader
7 community is represented.

8 In terms of individuals that are well known
9 to represent the different communities, I would say
10 that there are individuals that are well known to
11 represent the different communities and they are called
12 our ward city councilors.

13 We had a return to ward representation to
14 insure that all communities are represented. Each
15 ward selects a city councilor and I feel that most
16 wards believe that their city councilors represent
17 them well and understand the community.

18 So I would be very interested to see a
19 board that is either appointed or confirmed by the
20 eight ward city councilors.

21 Thank you.

22 ARCHBISHOP PAUL: Jesse, Jesse. Both of
23 you --

1 MR. TWIGGS: Archbishop Timothy Paul.

2 ARCHBISHOP PAUL: Both you and Mr. Porter
3 have referred to draft proposal number one.

4 Were you aware or are you not aware that in
5 order to enact any part of taking the mayor out of the
6 appointment process of the city would actually be an
7 entire charter change?

8 Would that be correct?

9 (Archbishop Paul addressing Attorney
10 Pikula.)

11 MR. PIKULA: That is correct.

12 ARCHBISHOP PAUL: And I don't think --
13 correct me if I am wrong, Mr. Chair, but this hearing
14 panel is not to try to enact, make some sense out of
15 the ordinances, come up with an ordinance, but I
16 don't think we are looking at proposing a charter
17 change?

18 MR. TWIGGS: Well, not yet. I mean if
19 that is what it ultimately comes down to. I mean
20 after our deliberations.

21 But we are primarily looking to deal with
22 those ordinances that are before us and how we can
23 improve upon the ordinance before us.

1 As far as citizen recommendations, they have
2 a right to make whatever recommendations they want,
3 but I am happy that we are pointing out the fact that
4 there are some things that would require an extensive
5 period of time to try and do.

6 Rather than to -- the existing hearing board,
7 I mean for us to negate their work and oversee the
8 present police commissioner, we would have to break a
9 contract with the present police commissioner.

10 I am not sure that we, that any council
11 member would be in favor of that.

12 And the other thing is to take the mayor
13 completely out of making appointments, as was
14 indicated, would require a charter change, and I am
15 not sure we want to do that, but it is your right to
16 make your recommendations and we appreciate it.

17 MR. LEDERMAN: Well, if I may, you know,
18 the youth council officially voted when Council
19 Ferrera's proposal first came about to support that
20 in its entirety, what it says in the proposal, and
21 we understand it would not go into effect until 2013.

22 But we have read it and obviously I am not
23 saying the youth council is suggesting taking the

1 mayor out of the process. We would have to vote to
2 suggest that as a body.

3 But I was -- you know, I thought Mr.
4 Porter's testimony was very interesting. I would
5 think if, you know, something like that were to happen,
6 it would be interesting to see the ward city councilors
7 involved in that.

8 MR. TWIGGS: Thank you very much, sir.

9 Next speaker.

10 MS. MURCHISON BROWN: Good evening. I
11 apologize, I am a little under the weather, but my name
12 is Stephanie Murchison Brown, ward four.

13 I see that there are three proposals and I
14 am not familiar with any of them. I have been going
15 over them, but I know that other people, especially
16 the people on the board, are more familiar with it
17 all.

18 And I was wondering if you could give us a
19 brief summary of what is the differences in each of the
20 proposals.

21 And another comment that I would like to make
22 is that beyond building a relationship with the police
23 department, with our youth and our citizens, I think we

1 need to get back to more community policing and have
2 something like substations within the communities,
3 within the different neighborhoods, so we became more
4 familiar with the police officers.

5 Years ago when I was young we used to know
6 some of the officers' names. They are long gone now.
7 They are no longer alive, but we knew of them and we
8 respected them because we knew them and they respected
9 us because they knew us.

10 So I think that is something that needs to
11 be addressed is that we have to build a relationship.
12 You have to be within the community and be known in the
13 community.

14 So my point was, if you could summarize the
15 three differences, the main differences of the three
16 proposals.

17 I have not had a chance to go through the
18 whole thing, but one thing that the archbishop
19 brought up was one of them has to have a charter
20 change if they want to take out the mayor in the
21 equation.

22 MR. TWIGGS: Thank you very much, Ms.
23 Brown.

1 In answer -- thank you very much for your
2 comments. I am going to ask city solicitor Ed
3 Pikula if he would take a moment and talk about the
4 differences that we have in these three proposals.

5 We put something together that is also
6 available -- it is also available there, right?

7 MR. PIKULA: Yes.

8 MR. TWIGGS: Ms. Brown, you can pick
9 up --

10 MS. MURCHISON Brown: I have it.

11 MR. PIKULA: There is a comparison which
12 is actually posted on the website and copies are
13 here tonight which is a brief summary of the three
14 proposals.

15 What has been referred to as proposal number
16 one is a return to the former police commission, which
17 was a five-person civilian board appointed by the
18 mayor, although there were some staggered terms and
19 there were some requirements as to political
20 affiliation.

21 And that five-member board was the actual
22 appointing authority.

23 They were volunteers. They were not

1 professionals. They were just people from the
2 community.

3 COMMENT FROM THE PUBLIC: When you say
4 board, which is that?

5 MR. PIKULA: Number one, it says Ferrera
6 in the upper left corner.

7 MR. TWIGGS: And number two would be --

8 MR. PIKULA: Number two is listed as
9 Rooke, and number three is listed as Allen, Ashe
10 and Twiggs.

11 MR. TWIGGS: Thank you.

12 MR. PIKULA: So number one is a return
13 to that former police commission as the appointing
14 authority, responsible for administering the
15 forty-million dollar budget of the department,
16 although they would just be part-time and they would
17 be volunteers.

18 The second proposal listed as Rooke takes
19 the mayor's current order, which is an executive
20 order that puts in place a civilian type of review
21 board and makes it into an ordinance.

22 The third takes the proposal of the mayor
23 which is in place and tweaks it by adding additional

1 review powers.

2 For example under the mayor's executive
3 order the only power is to review those cases given
4 to the board by the commissioner, but under the Ashe
5 Allen Twiggs proposal the board has the power to review
6 all complaints which are submitted to the police
7 department.

8 In addition, the proposal three has the
9 powers to subpoena witnesses to hearings, something
10 that the mayor I don't think can do on his own, but
11 which the council has the power to do.

12 So the basic premise of review is a board
13 whose powers are limited to being the hearing officers
14 on disciplinary complaints.

15 So when the -- and this would be proposal
16 number two. So when the commissioner says I want
17 you to review and hear this case, he would give it to
18 them.

19 And in proposal number three, it is not just
20 those cases that the commissioner says, here, I'd
21 like you to be the hearing officer, but they review
22 every complaint that comes in.

23 They review -- then they make a recommendation

1 as to whether disciplinary charges should be proper,
2 and then after a hearing is held, they make a
3 recommendation as to whether the evidence presented at
4 the hearing has sustained the charges and they make a
5 recommendation as to what discipline, if any, should be
6 imposed.

7 So that is a basic summary of the three
8 proposals.

9 MR. TWIGGS: Thank you.

10 Next speaker.

11 MR. STOKES: My name is Charles Stokes and
12 I am from ward four. Excuse me.

13 I have a problem with all three ordinances.
14 And what I would like to see is them to all be
15 scrapped and that we come up with what the community
16 has been asking for.

17 Since this inception is a community review
18 board with community residents that have the power to
19 hire, to fire, to make disciplinary decisions, to be
20 able to hold accountable those few rogue elements in
21 the Springfield police department that hampers and
22 makes a bad stain on the whole police department which
23 is not out to hurt our community.

1 So I am asking that the City Council enact
2 and write an ordinance and put it together, submit it
3 to the mayor based upon the request of what the
4 community has been asking for.

5 We cannot wait until 2013. We can not wait
6 for another community resident to get beat like they
7 was beaten, and so when we talk about the contract of
8 the current commissioner or police chief, there are
9 contracts that are broken every day in America.

10 And whenever a leader in a police department,
11 or wherever he is at, is not doing his duty, then the
12 city should take a look at that, break the contract
13 and buy him out, if necessary, so that the community
14 residents can feel safe when calling the police and
15 dealing with them on an issue.

16 And so the question that I have is:

17 Under these proposals that we have, when you
18 have the police commissioner, Yusef Mohammed was
19 arrested, Ben Schoolfield was murdered and killed, so
20 my question is, we have had these already.

21 The question is did they work? And we can
22 see by the history that they did not work.

23 And so by putting these back before us so

1 that we can rehash the same things over again is like
2 the definition of insanity. Repeating things over
3 again and expecting different results.

4 And so what the community has been asking
5 for this conception is a community review board that
6 has power to do those things and, you know, at my job,
7 I don't get a pat on my back when I am doing my job the
8 way I am supposed to do it.

9 I only get a reprimand when I don't do what I
10 am supposed to do.

11 And so for this board or the members to think
12 about commending police officers for doing what they
13 are hired to do is something that gets off base.

14 So what the community has been asking for,
15 and you hear it repeatedly, is a community review
16 board that has some substance, has some power, so
17 that those rogue elements within the Springfield
18 police department would be held accountable and so it
19 doesn't put the other fine police officers in
20 violating the code of blue, where they have to speak
21 out against another officer who may be doing the wrong
22 thing.

23 But they can say to that officer this: If

1 you keep participating in this area, they have a
2 community review board that is going to hold you
3 accountable and may fire you.

4 And so that way it takes the pressure off
5 the police officers from having to have their code of
6 silence.

7 It takes the pressure off the mayor, the
8 City Council, because he has appointed a civilian
9 review board that has power to keep checks and
10 balances just over the rogue elements.

11 So that's what I am about and if you want to
12 sit down and we can talk about and how we can formulate
13 it would be a great idea.

14 Thank you.

15 ARCHBISHOP PAUL: You mentioned that all
16 three of these, all three of these draft proposals
17 should be thrown out, and then you also mentioned that
18 what the community is asking for is for the mayor to
19 appoint some folks from the community that will hold
20 the police accountable.

21 Once again, some of the others who have
22 spoken have asked that the mayor not be involved in
23 appointing the process.

1 Yet you mentioned that you would like to see
2 the mayor appointing people.

3 Is there some kind of a gray area there?
4 Namely who would actually be appointing them? Would
5 the mayor? The council?

6 Would they be elected from the actual
7 communities in your opinion?

8 MR. STOKES: How I would see it going
9 would be we would use the best practices from all of
10 the ideas.

11 The City Council was elected to do a job.
12 So we'll take their expertise, we'll take the expertise
13 of the mayor, and then we'll take the city residents
14 into account and we will come together with those
15 people, as Mr. Porter has so eloquently expressed.

16 If we are not at the community would be if we
17 are not in favor of someone because of their history in
18 the past, then we would say no, that person we don't
19 want on the board.

20 And I think with the best of all ideas in
21 place that we can come up with a viable solution to the
22 police brutality in our community.

23 MR. TWIGGS: Thank you.

1 Any other questions?

2 MR. JARNES: Yes.

3 Reverend Stokes, certainly you know, one
4 point you made, which is, comes through, has come
5 through in all the meetings is that there is a
6 general consensus that everybody wants the board,
7 however comprised, to actually have some authority to
8 actually do something, to be able to have the power to
9 do something.

10 That is not a point of contention.

11 And what you propose is actually relatively
12 close to proposal number one that is listed here of the
13 three.

14 And I think maybe solicitor Pikula could
15 address the idea about breaking the contract of
16 Commissioner Fitchet and removing him and without any
17 major cause for removal.

18 MR. STOKES: There is a major cause for
19 removal.

20 MR. JARNES: No, but I am saying you are
21 saying break the contract.

22 I mean you are not specifically saying that,
23 but throwing that out as a possibility in order to

1 effect these kinds of things that you are proposing to
2 be done.

3 As it stands now the police commissioner has
4 the authority and the contractual authority to do all
5 these things and perhaps Mr. Pikula can answer that
6 better.

7 MR. PIKULA: I am not sure what the
8 question is.

9 MR. JARNES: It's about the legalities
10 about Mr. Fitchet's contract with the city to 2013.

11 MR. PIKULA: Currently the commissioner
12 is under contract until 2013 and at this point all of
13 the powers to hire and fire and appoint are
14 encompassed in that contract and under the existing
15 ordinance.

16 Now, the constitution protects contracts.
17 You can't just take away someone's right under a
18 contract unless you have provisions about termination
19 that have been violated.

20 There have not been any conditions of the
21 contract that have been breached which would provide
22 ground to terminate.

23 And if we were to take away rights, we would

1 then owe the commissioner money for breaching his
2 contract. He would have a lawsuit against us for
3 violating his rights for taking his property without
4 due process.

5 Just like any other other citizen would have
6 rights if we took away their properties without due
7 process.

8 MR. STOKES: That is true, sir, but my
9 point is about the commissioner and his contract.
10 There are community residents who we deem to be more
11 important than the commissioner and whether or not he
12 would have a right to sue us.

13 The point in case is Mr. Jeffrey Asher.
14 He did what he did, he got fired, but now he is, he has
15 compensation for what he did.

16 So our point is that that may be so.
17 However, the community is willing to take that burden
18 as taxpayers because Mr. Fitchet is, his face and
19 picture is not in the constitution.

20 So the constitution defends the people.
21 And so when you are talking about Mr. Fitchet and his
22 contract and his property rights being taken, then
23 the response from me is Melvin Jones felt the same

1 way. Mr. Greer felt the same way.

2 And the only compensation they got for their
3 interaction with some of the police department is being
4 beat almost to death.

5 So as you sit there and eloquently talk about
6 the contract of Mr. Fitchet and his property, we want
7 you to have the same type of zeal when you are talking
8 about putting together an ordinance of a city review
9 board that will protect our people.

10 The only time I see you, sir, and I have
11 been to all the meetings, is get activated and really
12 irritated is when you defend the position of Mr.
13 Fitchet.

14 And so in the same vein, this is the way we
15 feel about our community residents who are getting
16 beat in the middle of these streets and their mothers
17 and stuff come crying to Archbishop Fenman in his
18 church as he puts so many of these things together.

19 So I would like to see you and this board have
20 that same type of zeal when it comes to our community
21 residents.

22 Thank you.

23 MR. TWIGGS: Thank you very much.

1 (Applause).

2 MR. TWIGGS: Now, let me hasten to point
3 out something, particularly for those that have
4 applauded.

5 The city solicitor has a responsibility to
6 tell us what the law is. And that his role with this
7 board is to advise us legally what we can and cannot
8 do.

9 Now Minister Stokes, he obviously makes a
10 good point because it is an emotional point.

11 The question for us is, we have to take care
12 of business.

13 We have to take care of business on the basis
14 of what is contractually in place.

15 Now any damn fool knows you can break a
16 contract, but you've got to have rights. There are
17 rights.

18 Not to mention that Fitchet didn't have
19 nothing to do with what one of his officers did.
20 He personally didn't have anything to do with it.
21 But --

22 MR. STOKES: I disagree with you.

23 MR. TWIGGS: No, no, no.

1 MR. STOKES: I disagree with you. I
2 disagree with you.

3 MR. TWIGGS: Listen, listen. You
4 cannot -- we are not going to have a discussion. You
5 are not going to have a discussion with me.

6 MR. STOKES: You don't --
7 (unintelligible).

8 MR. TWIGGS: Let me -- I am speaking,
9 sir. You would respect that, sir, would you?

10 MR. STOKES: You don't respect us.
11 You don't, you don't -- (unintelligible).

12 MR. TWIGGS: Sir, let me say this.
13 This is my hearing.

14 MR. STOKES: It is our hearing. You are
15 defending Fitchet.

16 MR. TWIGGS: This is my hearing.
17 (Shouting from the gallery.)

18 MR. TWIGGS: Let me also say, I am
19 trying to explain something. I am not defending
20 anybody.

21 I am trying to explain something and that is
22 what we need to do. We need to have understanding.

23 (Shouting by Mr. Porter. Unintelligible.)

1 MR. TWIGGS: Listen. Are you going to
2 be respectful of me or I am going to ask you to leave.

3 MR. PORTER: Okay. But I let you know I heard
4 you defend -- (unintelligible.)

5 MR. TWIGGS: You heard what you heard.
6 Everybody heard what you heard.

7 What I am trying to say folks is this.

8 As an elected city council member I cannot in
9 good faith say break a contract that the city has with
10 someone unless it is for just cause.

11 Now, you may think that just cause is that if
12 someone got beat in the street by another police
13 officer, the person who has ultimate responsibility
14 for that has a commission, and that commission brought
15 a report back to him, and what he did with the report
16 is that he said, listen, I agree with you that the
17 person should no longer be a part of this department
18 and fired him.

19 And so what I am trying to say is -- no, we
20 are never going to agree, I don't agree with everything
21 the mayor does. Believe me.

22 And I don't agree with everything that my
23 fellow city councilors do. But what we have to do is

1 this is a city with laws. We have to understand that
2 and deal with the laws.

3 That is the point I am trying to make. We
4 just can't break the law.

5 Next speaker.

6 REVEREND HARRIS: My name is Derrick
7 Harris from ward six.

8 I am not familiar -- I am, like the young
9 lady said, I am not familiar with all these proposals,
10 but I will take them home and read them very
11 carefully, and I will be making more comments on line
12 about them.

13 I have heard a lot of things spoken tonight.
14 A lot I agree, I agree with a lot of things that has
15 been said.

16 I do believe that the community should have
17 a voice in what happens to the rogue officers that
18 abuses, that abuse their power in the community.

19 I think that when somebody, and I think the
20 case, the thing that got us so emotional is the Asher
21 thing because it was a slap in the face to the
22 community. It really was.

23 It was a slap in the face.

1 And we had to sit back and endure, we had to
2 endure this thing, you know, and feel helpless about
3 it.

4 I think that, I think the thing that we are
5 really asking is we don't want to be helpless any
6 more.

7 We want to be able to say that was wrong.
8 That was wrong and it needs to be dealt with. It
9 don't need to be swept up under the carpet. You know
10 what I am saying?

11 We don't need nobody that, you know, I
12 understand the solicitor's position, but we don't
13 need -- what we are tired of, we are tired of people
14 saying, okay, well, we are just going to ignore it
15 until it goes away.

16 We don't want that any more. The community
17 don't want that any more.

18 So as far as what the board should look like,
19 that is something that I'll going to have to go back --
20 and trust me, I am going to read this.

21 But I think what we are asking is whatever it
22 is that the community be able to say, listen, this is
23 what we want to see happen. And if the police

1 department, if your model is to serve and protect us,
2 then why wouldn't they be held accountable to us?

3 And if -- I believe if the police, like
4 Reverend, Mr. Stokes said, if the police knew that if
5 they, that the community, right, was really watching
6 them and they just couldn't do whatever they wanted to
7 within the community because they had to be, they are
8 going to be held accountable by the community, then I
9 think that would cause the officers to do their job in
10 a more professional way.

11 Do I see -- do the police -- is the police
12 also in fear of things or should they, you know, do
13 they have their rights? Yes.

14 You know, we don't want to see the officers
15 hurt. We don't want to see them killed and so afraid
16 that they are afraid to do their job.

17 But we don't want to -- I don't want to be
18 driving down the street and get pulled over because
19 you don't like the color of my skin.

20 I don't want to be profiled. I don't want to
21 be in fear.

22 I have more fear of the police officers
23 pulling me over than I do of the criminal element.

1 That is not right. It's not right that
2 I can walk through the criminal element and not fear
3 for my life, but if I am pulled over by someone who is
4 supposed to serve and protect me and I am afraid that
5 he is going to judge me by the color of my skin, then
6 I have a problem with that.

7 And I want to be able to say to whoever,
8 whatever ruling parties, that you know what, that is
9 not right and we want you to do something about that.
10 I am tired of the helplessness.

11 I don't know about nobody else, but I am tired
12 of feeling helpless.

13 I want to be able -- I want to know that
14 whoever is in power is going to hold, that they are
15 going to have the public interest at heart.

16 That's all. I think that is all that we are
17 asking.

18 It's emotional. We are all emotional, right,
19 because who is next? Who is next?

20 I don't wear my collar every day. So who is
21 next?

22 MR. TWIGGS: Mr. Harris, let me ask you.

23 (Applause.)

1 MR. HARRIS: And I am not seeking any
2 applause, Mr. Chairman.

3 MR. TWIGGS: I understand that.

4 I mean what you said, many of us agree.

5 MR. HARRIS: Yes, sir.

6 MR. TWIGGS: Absolutely. No question
7 about it.

8 Let me just say, you are obviously -- you
9 don't know me and I don't know you.

10 MR. HARRIS: Yes, sir.

11 MR. TWIGGS: But one of the reasons we
12 are having public hearings is because I stood up and
13 said we have an opportunity to fix this problem.

14 MR. HARRIS: Okay.

15 MR. TWIGGS: Let's fix it.

16 Now, it could have been done by six members of
17 the City Council, but I said no, let's go out and get
18 public input to insure that the stakeholders in this
19 community would have input.

20 MR. HARRIS: Uh-huh.

21 MR. TWIGGS: I just want that to be very
22 clear.

23 Now let me just say: There is no way in the

1 world I can support anybody beating somebody down.
2 I don't care what he did. There ought to be a method
3 for how you do it.

4 MR. HARRIS: Right.

5 MR. TWIGGS: Now, I want to hear what
6 the police department has to say why they have to
7 engage in such rude tactics.

8 Now, often times we don't find out about
9 this stuff until after it happened.

10 MR. HARRIS: Exactly.

11 MR. TWIGGS: But we don't know what
12 perpetuated it. And God knows in this very room
13 before I was elected as a council member, I said to
14 the commissioner when would we have found out about
15 Mr. Asher?

16 MR. HARRIS: Exactly.

17 MR. TWIGGS: You didn't tell us about it.

18 MR. HARRIS: Exactly.

19 MR. TWIGGS: If it don't be for a little
20 girl with a camera, we probably would have never known
21 about it.

22 MR. HARRIS: Exactly.

23 MR. TWIGGS: But the fact of the matter

1 is instead that we have an opportunity to fix it.

2 That is what these people are all about.
3 That's why I said, we don't have to beat up on one
4 another. These folks are trying to fix this problem.

5 MR. HARRIS: And I understand that, Mr.
6 Twiggs. I really do.

7 MR. TWIGGS: And so what I want to ask
8 you is, I know you have given thought to this because
9 you wouldn't have been here.

10 MR. HARRIS: Yes.

11 MR. TWIGGS: But look through those
12 proposals. See in your own heart how you think we can
13 improve upon it.

14 If you think it should all be thrown out,
15 throw them out.

16 But let us know in your heart how you think
17 we should handle this.

18 And so the final thing I just want to make
19 clear is: It ain't nobody going to sweep nothing
20 under the rug as long as I am on the council.

21 MR. HARRIS: And I appreciate that.

22 MR. TWIGGS: Because I am going to expose
23 them. We are not sweeping nothing under the rug with

1 me.

2 MR. HARRIS: I really appreciate that.

3 MR. TWIGGS: It ain't right and I am going
4 to say it ain't right.

5 MR. HARRIS: Yes, sir. That is all I want
6 to --

7 MR. TWIGGS: So you can rest assured
8 that I am trying to get this thing fixed.

9 MR. HARRIS: And I believe you.

10 MR. TWIGGS: I would suggest to you that
11 ninety-nine percent of the police officers don't let
12 nobody getting whooped up.

13 MR. HARRIS: I believe that too.

14 MR. TWIGGS: Now, so we have a few, but we
15 don't have to cut out the baby and throw the water
16 out.

17 MR. HARRIS: With the bath water. I
18 understand that, sir.

19 MR. TWIGGS: So that is where I am at.
20 And I would appreciate, if you would, in your own
21 heart, and I just say to people, let's get what good
22 ideas that we have, so we can incorporate them into a
23 proposal.

1 MR. HARRIS: And you know something,
2 sir, that is exactly what I am going to do.

3 But may I propose this to you also.

4 MR. TWIGGS: Yes, sir.

5 MR. HARRIS: That when we come up with
6 these good ideas, that you don't just blow them off,
7 but you are going to take those ideas and that you do,
8 that at least you try to institute what it is we are
9 asking you to do.

10 MR. TWIGGS: That's what we are here
11 for.

12 MR. HARRIS: Thank you very much, sir.

13 ARCHBISHOP PAUL: Let me just respond to
14 you, Mr. Harris.

15 This is not the first hearing we have had,
16 and it is not the first hearing we had around the
17 city.

18 These hearings are designed, you are actually
19 having your public input right now.

20 MR. HARRIS: Okay.

21 ARCHBISHOP PAUL: And that is why we have
22 a stenographer here. Everything you say is being
23 recorded.

1 And you know where I stand.

2 MR. HARRIS: Yes, sir.

3 ARCHBISHOP PAUL: For justice and rights.
4 But what I want to say to you is, in looking at these
5 proposals, what we are looking for is what you feel --
6 everybody is saying community input, but we have not
7 heard from you tonight how that process will look in
8 terms of -- as the chairman is saying, we are governed
9 by laws.

10 MR. HARRIS: Right.

11 ARCHBISHOP PAUL: So how that process
12 will work, whether they are elected in each ward or by
13 the city Council, whether they are appointed by the
14 mayor and confirmed by the council.

15 MR. HARRIS: Right.

16 ARCHBISHOP PAUL: The City Council.

17 I mean we want the community to have input,
18 but we also need to have from you a recommended
19 process.

20 And then finally, what is most important, the
21 chairman and the other members of this committee are
22 non-biased, and they are totally here for the purpose
23 of hearing from you.

1 MR. HARRIS: Right.

2 ARCHBISHOP PAUL: So we want you to be
3 emotional. This is an emotional issue.

4 MR. HARRIS: Exactly, sir.

5 And as I was hearing that, you know, like I
6 said, I have not read the proposals so that I can
7 intelligently give my thoughts on this, but I would, I
8 would suggest that there be elected officials, elected
9 by the community.

10 In that way if the community has the say
11 so in electing these people, if these people are not
12 doing what it is they are supposed to be doing, then
13 the only person that we can blame is ourselves.

14 MR. TWIGGS: You got it.

15 MR. HARRIS: We can only blame ourselves
16 because it is just when we have elected officials
17 that get into office, if you don't vote, don't
18 complain.

19 Don't complain if you don't vote.

20 MR. TWIGGS: You have to participate in
21 it.

22 MR. HARRIS: Exactly.

23 So I am a firm believer that, you know, we

1 vote for our judges. If a judge is not doing what it
2 is he is supposed to be doing, we have a right to vote
3 him out.

4 So I think that if that is an election, if
5 the community can elect the board, right, and the
6 board knows that if they are not doing their job, that
7 the next election the community is going to vote them
8 out, they would be more willing to do what it is the
9 community asks them to do.

10 MR. TWIGGS: Thank you.

11 Does anyone else have a question?

12 MEMBER OF THE PUBLIC: I do.

13 MR. TWIGGS: A question.

14 MR. RAY: Ramon Ray.

15 MR. TWIGGS: We had a meeting in ward
16 seven the other night, and someone said you would
17 find there will be two separate, two different kinds
18 of communities in Springfield and we are finding that
19 out tonight.

20 And your name is Ramon?

21 MR. RAY: Uh-huh.

22 MR. TWIGGS: Ramon?

23 MR. RAY: Right.

1 MR. TWIGGS: Ramon Ray. Where do you
2 live, Ramon?

3 MR. RAY: Ward three.

4 MR. TWIGGS: Ward three?

5 MR. RAY: Uh-huh.

6 MR. TWIGGS: Now, if we want to get back
7 in touch with you again.

8 MR. RAY: I left it on the paper.

9 MR. TWIGGS: All right.

10 MR. RAY: My question is, if you really
11 want to attack this problem, how come you don't break
12 up the police department in different wards, separate
13 them, so when you do have trouble, you can sneak an
14 undercover cop in there to work with these guys and
15 catch them what they are doing.

16 MR. TWIGGS: Now say that again please, if
17 you would.

18 MR. RAY: Say you have a problem, you
19 need more than one. It is like a good old boys group,
20 and then one cop can't tell on the other in fear of
21 retaliation.

22 MR. TWIGGS: So you are suggesting that
23 we separate the police department into precincts?

1 MR. RAY: Yeah. That way you can slip
2 somebody in there to investigate them more easy.

3 MR. TWIGGS: Okay. You still have the
4 floor.

5 MR. RAY: And my biggest problem with
6 Fitchet is the way he handled this is like how do you
7 let a guy that got caught, you know, on film, still
8 gets his pension for a little while before they really
9 discipline him.

10 That doesn't make sense.

11 MR. TWIGGS: Let me point this out,
12 Commissioner Fitchet doesn't have anything to do with
13 this man's pension. The City of Springfield doesn't
14 have anything to do with it.

15 He -- wait, wait, so you understand.

16 It is a state-run program. A person who works
17 for the city, when he gets ready to retire, when he
18 gets ready to quit or whatever, he files --

19 Why don't you explain it.

20 MR. PIKULA: Yes.

21 No matter who you are in the police
22 department, you have a right to submit an application
23 for disability pension.

1 MR. RAY: While you are under
2 investigation?

3 MR. PIKULA: Yes.

4 MR. TWIGGS: Because you see, that
5 department who will check you out to see if you
6 should get disability doesn't have anything to do
7 with the city.

8 MR. PIKULA: This is handled by a state
9 board.

10 What you do need to know though is that if
11 there is a conviction, that can result, for misconduct,
12 that can result in your pension being revoked.

13 But again, that is something that involves a
14 criminal process and not the city.

15 So there is a criminal case that is ongoing
16 against the officer involved.

17 MR. RAY: Okay. What about the two that
18 was there? What happened to them?

19 FROM THE PUBLIC: Three.

20 MR. RAY: Or three.

21 MR. PIKULA: Well, again, I don't think
22 this is a situation where we are here to review that
23 case or any other case and try to second-guess what

1 happened.

2 What we are here for is more to take care of
3 a legislative and not an executive function.

4 The executive branch is the one that goes
5 over the discipline and imposes it and the legislative
6 branch says, well, we don't like the process, we are
7 going to change it.

8 So the purpose of this is, we are taking
9 testimony here of what is the best process, and if we
10 don't like this one, how should we change it.
11 Not to try to decide this case or that case or any
12 other case.

13 MR. RAY: Okay, but for example if it
14 happened to me and two other friends, grab somebody,
15 I'll be the one that whipped the hell out of them.
16 Do they get charged with accessory for just being
17 there.

18 MR. TWIGGS: Mr. Ray, your points are
19 all well taken.

20 And one of the reasons we asked people to
21 speak to the proposals is that we, this body here, we
22 can't judge on that case. I mean --

23 MR. RAY: But they are accessory to a

1 crime.

2 MR. TWIGGS: Hold on. I mean I am sure
3 you have that feeling and I may have that feeling too,
4 but what I am trying to say is when we put together a
5 commission, a future board, we would take that into
6 consideration.

7 The only point I am trying to make is that
8 we are unable to make a comment on something that has
9 transpired because there is nothing we can do about
10 it.

11 This is a legislative body and we are trying
12 to come up with a way --

13 MR. RAY: But --

14 MR. TWIGGS: To deal with the question --

15 MR. RAY: But the other guys.

16 MR. TWIGGS: If he is found guilty.

17 MR. RAY: The other guys? What happens to
18 them?

19 MR. TWIGGS: I don't know. That is what
20 I am trying to say.

21 This body can't deal with that because we
22 are not in a position, we have not heard the evidence.

23 What we are trying to do is put together a

1 body that will hear this evidence and deal with it,
2 so you don't have to have that question.

3 MR. RAY: Okay.

4 MR. TWIGGS: That question will never
5 come up again. That is what we are attempting to do.

6 MR. RAY: Okay.

7 If the public is correct, and when you watch
8 that video, I've heard one of the officers telling
9 someone to get that camera out of there.

10 They should not be able to tell people to move
11 their cameras when they are filming, because if
12 something is going wrong, the community should be able
13 to film them doing something wrong.

14 MR. TWIGGS: You probably are right, you
15 are probably right. You probably are right.

16 But again, let me just come back to this. I
17 can't say this enough.

18 I guess it is how you say it.

19 Anything that you don't like about what is
20 going on now, you tell us, but tell us how we could
21 make it work. That is what we are looking for. Do you
22 understand what I am saying?

23 MR. RAY: But when people are

1 filming something --

2 MR. TWIGGS: Hold on one second.
3 You understand what I just said to you?

4 MR. RAY: Yes. And when people are
5 filming, they don't have the right to tell them to get
6 the cameras out of here.

7 MR. TWIGGS: All right. That is a part of
8 the record, that is part of the record.

9 MR. RAY: And tell the officers when they
10 are part of a group, they are doing something wrong,
11 you will be held accessory.

12 Because if they are supposed to be officers
13 protecting me from the law, protect me, those other
14 guys should have had common sense to say, hey, this is
15 wrong.

16 MR. TWIGGS: Stop it, yes.

17 MR. RAY: I mean this is just as bad as
18 him.

19 MR. TWIGGS: They are accessories is what
20 you are saying?

21 MR. RAY: Yes. It's a slap.
22 It's like saying, well, he is fired of that, but I get
23 you later because I am still a cop.

1 MR. TWIGGS: All right.

2 Any questions for Mr. Ray?

3 MR. JARNES: Just to reiterate, Mr. Ray,
4 that this body is here to set up a process, to set up a
5 board that would decide the kind of things that you
6 are talking about.

7 You know, we are not -- it is not our -- it is
8 not our duty, you know, what we have been told to do,
9 to actually rule on any individual case.

10 MR. RAY: Right.

11 MR. JARNES: And I know the media
12 reaction, most people saw the video, I am sure
13 everybody has, it was widely publicized on television,
14 is, you know, the guy should be fired.

15 Well, there is due process and everything
16 still has to go through the due process yet.

17 MR. RAY: If everybody knows about that
18 video, they were scared to go outside with the cameras
19 because they knew it would be taken from.

20 MR. JARNES: Right. But that's not what we
21 are here to do.

22 MR. RAY: But it is part of handling this
23 type of situation.

1 You cannot take the video takes /OLGTS you
2 arrested somebody. If it's legal, it's legal. What is
3 there to be scared of?

4 MR. TWIGGS: All Right.

5 MR. JARNES: And by the way, next
6 Wednesday we have the fourth and final meeting at the
7 Kennedy Middle School.

8 MR. TWIGGS: You can put something in
9 writing to us, Mr. Ray, will you?

10 MR. RAY: Okay. But those officers, it
11 has to be broken up.

12 MR. TWIGGS: Your point is well taken.
13 Thank you very much.

14 Next speaker please.

15 MS. DOUGLAS: Brenda Douglas.

16 MR. TWIGGS: Brenda Douglas?

17 MS. DOUGLAS: Yes.

18 I spoke at the Frederick Harris School
19 before. I was a little unprepared because that was
20 my first meeting.

21 But now I want to kind of explain a little
22 more to this board what the situation was and kind of
23 understand why I feel that citizens should be part of

1 the process.

2 As I explained before on October 8th, I mean
3 on October 10th, 2008, my son had been arrested by the
4 Springfield police department and within a couple of
5 hours he had died in police custody.

6 One of the things that had happened was, I
7 felt that I did not get adequate information from
8 actually what had happened, how it happened.

9 As a mother I didn't even get the opportunity
10 to know what my son's last words were.

11 When I went to pick up his belongings, the
12 officer that I spoke to to pick up the belongings was
13 very rude and disrespectful as a mother that just lost
14 her child.

15 So that was my initial complaint and why I
16 was actually given an opportunity to speak to the
17 commissioner, because without even having any
18 information of my son's demise.

19 I didn't even feel that I was respected as a
20 mother.

21 I was told that there was going to be a
22 follow-up with this.

23 There was no follow-up.

1 I went to what I perceived the citizen
2 review board. I did not get satisfaction there and
3 for me as a citizen, I did not feel that how can I go
4 to internal affairs or anything, you are not going to
5 feel that you are being heard objectively and that,
6 you know, you don't have the trust in things there.

7 So therefore what I want to say, you know, as
8 a civilian, we do need to be part of that process
9 because I felt that I was completely eliminated from
10 any process.

11 So to this date there hasn't been any
12 accountability to even know what happened.

13 No one feels that they have to answer to me.
14 There is no way of saying they have to answer.

15 Due to the behavior of the officer I spoke
16 to gave me reason to believe that although to this
17 day I still don't know that there was reason to
18 believe that something happened, whether the intent
19 was there or not. You know, out of frustration or
20 what.

21 So as a citizen I did not feel that I was
22 actually heard, and these are the frustrations of
23 everyone.

1 I mean I may have had the tragedy of death,
2 but I am not the only one in this community that has
3 felt something like that.

4 You know, this is the life that we have been
5 living and, you know, even when we applauded when it
6 was said that Commissioner Fitchet should be held
7 accountable, I think we are stating he needs to be
8 held accountable because he is the head of the
9 department that we have lived with in this community
10 that basically has denounced families, blamed victims,
11 things like that.

12 And you know, the accepted rhetoric of saying
13 that, you know, I am going to make people in the
14 community feel like whatever happens to them is their
15 own fault.

16 I mean no one, you know, when the -- and this
17 has been ongoing prior to him having that department,
18 but he was also part of that department.

19 So I think when we are saying we want him
20 held accountable because as a head, I don't think he
21 condones it.

22 Because I want it to be said that when I did
23 get an opportunity to speak to the commissioner, that

1 is what gave me some consolment.

2 I felt his sincerity and I know he was not
3 there and he was not part of it, but as a head, you
4 know, you just -- I do feel like something is being
5 swept under the rug.

6 Because like I said, to date, this is 2010,
7 and no one still has responded back to me.

8 I think one of the things that can happen if
9 he -- I don't know, you know, enough about the current
10 board, even if we are experienced or knowledgeable
11 enough to eliminate what is happening now, but we do
12 need something independent that people can go to with
13 accountability so that they can be heard and they feel
14 that there is going to be a process that when they do
15 go to someone, that someone is going to be there for
16 them with some teeth in it.

17 You know, we just don't want a civilian
18 board that is not going to be able to do something.

19 I don't think you are going to cut out
20 everything. I am not looking to cut out the mayor.
21 I am not looking to cut out the commissioner, but we
22 don't want, you know, but we don't want -- you know, it
23 is human nature to blame someone.

1 If they are part of it and they are the head
2 of it, then yes, we want to blame them because they are
3 not doing anything about it.

4 So that I think is where that comes from.

5 We are not trying to break any contract, but we live
6 in a community that this has been going on for years.

7 And even after my own son's incident and
8 tragedy, after the things that continue within our
9 community, it gives me no other choice but to believe
10 that there was something that went on.

11 But how would I ever know?

12 No one has ever been made be accountable to
13 me.

14 And what we are saying is that, you know, of
15 course we know that there is good officers. Nobody
16 has never denied that, but there are some there that
17 we don't want our tax dollars paying for their leave
18 of absence or their retirement when there is
19 wrongdoing.

20 We want some accountability. We want them
21 to be prosecuted.

22 And one of the things that I will say about
23 the commissioner, when he did speak out, one of his

1 words were war on crime.

2 Well, if you say war, what mentality are you
3 putting on the police officers?

4 I felt there was war on our community. And
5 even in war, you are not allowed -- you are only
6 allowed to capture your prisoner. You are not allowed
7 to beat them.

8 Well, we don't feel that that is happening
9 here. And the commissioner did, as far as I am
10 concerned, declare war on our community.

11 So if we can, you know, so -- I think we did
12 have a right to kind of put some blame on him.

13 You know, like I said in addition to that, I
14 do want it to be known that he was the only one that
15 reached out, I reached out to him, but he reached
16 back.

17 He didn't initially reach out, but I mean that
18 is another thing.

19 But we need for the community to be part of
20 that, independent with some teeth, and then when we
21 have that, you know, we can feel safe because we are
22 not feeling safe.

23 And -- I know I had something else, but I just

1 want it to be said.

2 MR. TWIGGS: What would you suggest
3 should be the make-up of the board?

4 I know you have said that it should be
5 independent, that they should have power.

6 But how should that board look?
7 I mean should the mayor appoint them? Should they be
8 elected? Should the City Council appoint them?
9 Should the City Council ratify them?

10 Based on the evidence if you were working with
11 the police department, what would you suggest this body
12 ought to look like?

13 MS. DOUGLAS: Well, I see just off hand that
14 people in the community, whether they are from any
15 organizations or, you know, single civilians, should
16 probably make themselves available to be known that
17 they want to be part of that process.

18 And then I think once that is made, that way
19 people won't feel like they have been appointed by
20 the mayor or something like that, you know, or they
21 had any ties to the community or family members or
22 something.

23 Whoever they are, they should have the

1 right to be able to say, and then there should be a
2 board that basically selects them. Maybe some more
3 civilians from the community, maybe some
4 organizations.

5 We have a lot of community forums that could
6 be part of that process.

7 There should be probably some city councilors
8 and things like that, maybe even the mayor. And
9 everybody has the right to say if they want that
10 person.

11 So maybe some type of forum like that, but I
12 don't think it should be completely founded by
13 officials because I think people feel it is like still
14 the same process.

15 MR. TWIGGS: Now, you had a chance to
16 meet with the present hearing board from what I
17 understand.

18 You didn't feel as though you got any
19 satisfaction in dealing with the present hearing
20 board?

21 MS. DOUGLAS: No. I only met with one
22 person. If there is additional members, again I
23 didn't even know of that process.

1 I met with one person that represented
2 themselves to be part of the citizens review board.

3 MR. TWIGGS: Do you know who that was?

4 MS. DOUGLAS: I do. You want to know?

5 MR. TWIGGS: Yes.

6 MS. DOUGLAS: It was Denise Joyce.

7 And I met with her. Basically that is all I
8 had access to. And that was the citizen review board.

9 I was told because of my initial complaint
10 of what had happened with the officer, you know, I felt
11 like there was a lot of things that violated me as a
12 family member to what happened to my son that I needed
13 to address first before I could even start making any
14 accusations what I think has happened.

15 I was told, you know, there will be a follow-
16 up which there was not.

17 MR. TWIGGS: Okay. Any other questions?

18 ARCHBISHOP PAUL: I heard you mention and
19 I heard other speakers mention the fact that you like
20 to see the communities have input in disciplinary
21 actions.

22 In looking -- I know when you were first
23 here and now reading the proposals, you know that

1 two of those draft proposals are citizen review
2 boards, and in those proposals they do not really
3 give the power to the review board of disciplinary
4 action.

5 And so hearing what you just said to the
6 committee, you would like to see a board that has the
7 power to also hold the chief or the police commissioner
8 responsible, not just the patrolman.

9 You want a board that actually holds the
10 commissioner responsible?

11 MS. DOUGLAS: I would actually say no, and
12 I am going to tell you why:

13 We have too big a police force to hold the
14 commissioner responsible what they do.

15 I think he should be responsible what they
16 do under his power. But I think that if we don't --

17 ARCHBISHOP PAUL: I mean I am saying
18 hold him responsible for him not acting upon his job,
19 not doing his job.

20 Right now the current citizen review board
21 does not have the power over the existing police
22 commissioner.

23 MS. DOUGLAS: Right. I think --

1 ARCHBISHOP PAUL: No one has power over
2 the commissioner.

3 MR. TWIGGS: The mayor.

4 ARCHBISHOP PAUL: You say that you want
5 like a citizen group and you want that board have the
6 same power as the police commissioner has.

7 MS. DOUGLAS: I think I would actually
8 still say no and to explain why, because we are not
9 just chasing things, we want the accountability be held
10 where it lies.

11 And I mean I know that again he should be
12 responsible for whom is in charge of, but, you know,
13 for our community, we are just not out here to just
14 really get who we can. We want the people to be held
15 responsible.

16 And I think that when -- I understand what was
17 said about the contract, you know, about things like
18 that and we are not on a fishing expedition.

19 You know, if we can't get Johnny, we are going
20 after Bill. I mean who is responsible?

21 I think, you know, maybe there is a process
22 that we can vote them out. It doesn't seem like there
23 is a process.

1 You know, we are worried about breaking the
2 contract.

3 ARCHBISHOP PAUL: You mentioned that
4 things are swept under the carpet.

5 MS. DOUGLAS: Uh-huh.

6 ARCHBISHOP PAUL: Things are not
7 addressed.

8 MS. DOUGLAS: Yes.

9 ARCHBISHOP PAUL: And you had to approach
10 the commissioner.

11 MS. DOUGLAS: Right.

12 ARCHBISHOP PAUL: Who then or what forum,
13 if any, would have the power beside the mayor or the
14 commissioner himself?

15 MS. DOUGLAS: I think that is going to
16 take long. Hopefully not too long, but a long
17 dialogue, communication and collaboration with the
18 community that would end some of that, and that we
19 would feel that after.

20 You know, I know there has been some
21 beginning dialogue. I don't know if it continued, but
22 I think it is just a matter of being part of a process
23 and I don't want it to be, even with my own tragedy, we

1 are going after somebody.

2 I want to begin a true dialogue so we can
3 feel that our needs are met, and I think it wouldn't
4 be met that way.

5 MR. TWIGGS: Let me --

6 ARCHBISHOP PAUL: If I could. You have a
7 patrolman that we are saying that we want to hold
8 accountable as a police officer.

9 And then, say, at the same time, the
10 patrolman, he may have a grievance with the upper
11 ranks of the police department.

12 What, if anything, would you recommend that
13 even if the patrolman, who is also a part of the police
14 department, or any person who has a problem with that
15 board has the power to investigate and or deal with,
16 even it is the commissioner himself, and or -- I am
17 trying to figure out whether the commissioner is just
18 getting a free pass based on his contract on the board
19 or does this board we are trying to propose also bring
20 him under the control of the board.

21 MS. DOUGLAS: I think -- I know what you
22 are saying, and I think the power we have in that is
23 that the mayor is responsible for the commissioner

1 and we have the power to vote out the mayor if we
2 don't feel satisfied.

3 MR. TWIGGS: Thank you.

4 Next speaker.

5 MR. STOKES: Nobody is the boss of the
6 commissioner because the mayor can't fire him because
7 of his contract, and you can't violate the constitution
8 so the commissioner really has no boss according to
9 the, his advocate, the solicitor.

10 MR. TWIGGS: Next speaker please.

11 (Various comments made from the gallery.
12 Stenographer did not understand.)

13 MR. TWIGGS: Next speaker please.

14 MR. WOJCIK: My name is John Wojcik. I
15 am from ward seven, and I want to come here tonight
16 just to see what the comments were from the communities
17 of the City of Springfield. I have my wife with me
18 over here.

19 I went to the meeting in Forest Park and took
20 all the stuff home and studied it and studied it.
21 It took me about a week and a half to compile all my
22 thoughts and put my answers on paper, and when I did, I
23 submitted it on line, and I chose proposal number

1 three.

2 And the rationale behind it is, I stepped out
3 of the picture and I am going to do a little quote,
4 and it's kind of a religious type quote.

5 It says: Don't walk behind me as I may not
6 follow. Don't walk behind me, I may not lead.
7 Don't walk in front of me, I may not follow.
8 Walk beside me and be my friend.

9 Well, it is time for us as a city and
10 community to walk side by side.

11 And when I say that is, what is power?
12 We talked a lot about power tonight. I feel the
13 emotion. We want power to discipline.

14 And I stepped out of the picture and I said,
15 well, why do we discipline?

16 Is discipline meant to be a punitive thing?
17 Like with your children. Do you discipline your
18 children just to punish them?

19 You deliver -- I guess the police officers,
20 people say we discipline them. Is it a punitive thing
21 or is the real reason you want to change the
22 behavior?

23 And I feel that is what it is. The bottom

1 line is you want to change the behavior, and saying
2 that, I am hoping whatever the community comes up with,
3 maybe appoint them, is not as important to me as much
4 as what is their charter going to be?

5 What is their interaction going to be between
6 the city and the police department?

7 I am totally opposed to number one, having the
8 full power to hire and fire, because in my personal
9 opinion they will be more of an adversary than a
10 partner, walking side by side.

11 I want this for me to be as equally
12 interacting with the police department as they are with
13 the community.

14 And to do what? To make positive change.
15 I want them to review all the complaints, categorize
16 them, and we can say, okay, what happens during an
17 arrest and where somebody is the actual assailant that
18 complained or is it a peripheral arrest or
19 interference.

20 And we can say to the community, okay, we are
21 going to do better with the police department and they
22 do better with us. No matter what it is, both sides,
23 we've got to make positive change.

1 MR. TWIGGS: Thank you, Mr. Wojcik.
2 I think we got your comments on line too, and I really
3 appreciate you sending it to us.

4 Thank you for again coming out tonight.

5 MR. RAY: This is a fast easy question.

6 When you get to the cases, are you going to --
7 what are you reviewing?

8 MR. TWIGGS: Sir.

9 MR. RAY: (Comment unintelligible.)

10 MR. TWIGGS: Sir. If you've got some
11 comments you want to make, write them down and send
12 them in to us.

13 I mean if you are asking me what are we
14 going to do next, I don't know what we are going to do
15 next week.

16 You see, that's why we are having the
17 meetings. We are trying to figure out what is going to
18 be the best way how to deal with it.

19 We have not come up with a final answer how we
20 want to deal with it.

21 That is why I am saying if you've got an idea
22 how you think we should deal with it, send it in and
23 let us use it to see if it can be a part of our

1 process.

2 Next speaker.

3 MR. MOULTRIE: Hi. My name is Leon
4 Moultrie. I am here as chairman of my ward, ward five
5 and a citizen of the City of Springfield, among many
6 other things.

7 But it would strike me that what I keep
8 hearing is they want a very open process.

9 When we talk about an open process, it
10 really starts here.

11 The first part is any viable proposal, I say
12 you bring back to the community to begin with to have
13 them see what your final draft is once you put a
14 collective piece together.

15 I want to see the language because a word or
16 two in a phrase can change that phrase.

17 So it is very important for the people, you
18 know, when you, all of a sudden you attend these
19 meetings and somebody brought up something and they
20 come back and, you know, say I don't like that
21 language.

22 So if they have a chance and look at your
23 final draft, you can do some, you know, the major thing

1 is language.

2 As a matter of fact it comes to mind, we had
3 a superintendent in the past that was dismissed
4 because we changed the language that allowed him to
5 be dismissed.

6 So you have to be aware of the process and
7 the language when you are dealing with any kind of
8 disciplinary measures, and you want to reserve
9 everybody's right.

10 Every citizen has a right to be treated a
11 certain way. Every employee has a right to know that
12 they are going to be entitled to employee due process,
13 and that you are going to follow the letter of the
14 law.

15 Our opinions are good only if we are having a
16 discussion about making change in the legislative
17 process.

18 But if our opinion is what we are going to
19 make a decision on, then it is flawed.

20 So everything we should try to set up here
21 should be as close to the letter of the law as you
22 possibly can get to allow everyone maximum opportunity
23 to review information that may come in in a legal

1 manner.

2 If you are going to have a board that is a
3 certain way, you want to make sure that the board is
4 representing all the people who have a stake in it:

5 Police officers, city council, the mayor as
6 well as the police commissioner.

7 So if you were to give four members there and
8 then three other members to the community, you have
9 the elected officials, three, two elected official
10 members would be represented, you have the union and
11 you have the police commissioner there who was there
12 from the start and everyone would know how the process
13 starts.

14 Everybody would have all the information and
15 if something goes wrong, there would be a union member,
16 an official would be sitting there and say that
17 information shouldn't go out or to make sure you talk
18 about it.

19 You would have someone, you would have
20 different perspectives. You would have a community
21 person say, hey, I think we can figure out a way to
22 get this information out.

23 But whatever we do, you want to make sure

1 that everyone has an opportunity to get the
2 information.

3 And what I hear the lady talk about over
4 here, not that she don't like the police department,
5 she says she don't like the process of her accessing
6 information about something that happened to her
7 loved one.

8 So we should clearly have processes
9 designated by which individuals, if they have
10 specific questions about your specific case, then
11 you would be able to get a response from that,
12 from a specific individual in that process.

13 And that individual should be accountable to
14 the elected officials. As it is at every level in our
15 government.

16 The head of the FBI is accountable to the
17 president. Okay. And the oversight committee to
18 congress.

19 So the City Council should formally add an
20 ad hoc committee as needed to be able to review and
21 assess and get more deeply involved or to ask them
22 specific information and have subpoena power, as most
23 legislative bodies do.

1 So the questions is: Can you formulate that
2 within this charge as a part of it, and when would it
3 be used based on what, the information being gathered
4 or need to be gathered.

5 MR. TWIGGS: Thank you.

6 ARCHBISHOP PAUL: Are you saying that the
7 board, your proposal of the kind of oversight board
8 should consist of someone from the police department,
9 someone from the city council, someone appointed by
10 the mayor and then someone appointed by the community?
11 Is that it?

12 MR. MOULTRIE: Yes. And the union
13 should definitely have someone from the very
14 beginning of the process.

15 One of the things that happens is officers
16 would feel that the process is going array because they
17 are not in the process.

18 The commissioner may feel if he don't have
19 an active role in listening to the information, he
20 feel like his side is not going to be heard.

21 So everybody is there from the beginning even
22 though the officer or the commissioner, whoever needs
23 to be disciplined, may end up still being fired or

1 being disciplined, but they would know that the
2 process would be followed because what ultimately
3 makes people feel uncomfortable is when they don't
4 know that the process was being followed and they
5 have no way to ascertain whether the process was
6 followed.

7 MR. TWIGGS: Thank you very much.

8 Next speaker please. Is there anyone else?

9 (Mr. Lederman standing up.)

10 MR. TWIGGS: We are trying to avoid having
11 the same people.

12 If it has to do with the proposal --

13 MR. LEDERMAN: It does.

14 MR. TWIGGS: Jesse Lederman.

15 There has been a lot of comments submitted
16 tonight, but over the general, you know, time this
17 has been an issue, a lot of the comments have been
18 in regard to Council Ferrera's proposal, and there
19 is always this issue with the commissioner's
20 contract.

21 And obviously the City Council and the
22 solicitor have msfr clear that, you know, the
23 commissioner, you know, has not officially violated

1 the terms of the contract and therefore you can't,
2 you know, fire him and take his contract away.

3 But would the commissioner be open to, and
4 if he was open to it, would it be legal to, you
5 know, renegotiate his contract in order for Council
6 Ferrera's proposal to be implemented before 2013.

7 MR. TWIGGS: Thank you.

8 We will consider it down the road.

9 MR. PORTER: Mr. Chairman, would it be
10 possible --

11 MR. TWIGGS: Excuse me, excuse me, sir.
12 Do you want to be recognized?

13 MR. PORTER: Absolutely.

14 MR. TWIGGS: Then stand on the microphone
15 please.

16 MR. PORTER: Thank you.

17 Again, Garry Porter.

18 Mr. Chairman, would it be possible to get the
19 answers to the two questions that I posed earlier for
20 the police lieutenant.

21 And just very quickly, I think in regards to
22 whether or not the police chief has violated his
23 contract, that is a matter of opinion and could be

1 debated all night long.

2 So I appreciate what my friend over here
3 said, but there are some of us who do believe that he
4 has violated his contract. So I just want to be
5 certain to say that.

6 Most importantly, if we can get the answers to
7 the two questions.

8 MR. TWIGGS: With respect to we just sent
9 a message to Mr. Kastrinakis that we would ask if you
10 would come back to our next hearing because there are a
11 number of questions that we really need to ask him
12 about.

13 But I ask him in a gentleman-like way if he
14 feels as though he can answer that one question that
15 you have placed forward, but not to go beyond that.

16 We want to talk to you at length, but Mr.
17 Porter raised a question at the beginning.

18 Are you familiar with the question?

19 (Officer Kastrinakis answering. Not audible
20 to stenographer.)

21 MR. TWIGGS: I ask you to come to the
22 microphone.

23 MR. KASTRINAKIS: I can address it. I

1 think the question was relative to what language police
2 officers can use. And of course they are not trained
3 to swear or what was the other thing?

4 MR. PORTER: Well, let me restate the
5 question:

6 Is it a violation of the police, in terms of
7 police conduct to use the word nigger, and also to use
8 the F word as we quite frequently hear them do it?

9 Is that something that is a violation of
10 police policy?

11 MR. KASTRINAKIS: The premise of the
12 question is this: As you frequently hear here them
13 doing.

14 I am not going to address that.

15 I will address, of course, police, we are
16 not trying to swear or use profanity. Of course we
17 are not. That is improper decorum.

18 You know, in situations where we have to
19 take control of a situation, we use command presence.
20 We use a tone to direct them and stop whatever needs to
21 be stopped.

22 MR. TWIGGS: But you don't give any
23 training to say that a person will call a person

1 another name other than what his name is?

2 OFFICER KASTRINAKIS: Of course not.

3 MR. TWIGGS: I thought I knew the answer
4 to that.

5 MR. PORTER: I just want to know is it
6 against policy? Is it against the policy is the
7 question.

8 OFFICER KASTRIKNAKIS: Sure. If you are
9 rude, police officers are not supposed to be rude.
10 You are not supposed to use profanity, you are not
11 supposed to use obscene language. Of course not.

12 MR. PORTER: Thank you.

13 MR. CAMEROTA: Mr. Chairman.

14 MR. TWIGGS: Yes.

15 MR. CAMEROTA: I think the larger
16 question here is perhaps we will be able to take that
17 up at some other time. It has to do with training
18 relative to police community relations, race relations
19 and so forth, and I think there might be interest in
20 what that curriculum looks like.

21 MR. TWIGGS: I would hope that at the next
22 meeting we will have someone who can talk to us about
23 the training that officers receive and also the police

1 community relations people out in the department to
2 speak to us specifically to some of those questions.

3 Did you want to speak, sir?

4 MR. HORNSBY: Mario Hornsby.

5 In regards to the question that was posed by
6 Mr. Porter, are you aware of the video is on U-tube
7 now of the incident at Van Horn Park with the last
8 murder, and the way that your detectives and your
9 officers acted towards the family itself who just lost
10 a loved one? And the total disrespect and disregard
11 that they had for them.

12 I understand and I commend you guys every day
13 putting your lives on the line for our community.
14 I am not here to bash you in any way.

15 But there are some bad apples in our
16 department that are being allowed to get away with a
17 lot of illegal things.

18 Our commissioner is number one. He is the
19 head. He is responsible for his department.

20 City councilors, the mayor, what are your
21 approaches in dealing with this?

22 Why do we have to establish another review
23 board?

1 What powers do you have to deal with the
2 issues that are going on now?

3 We voted you in as elected officials to deal
4 with the concerns of our communities and the wards that
5 you represent.

6 MR. TWIGGS: Mr. Hornsby, let me just say
7 this:

8 Now you just raised an issue that I don't
9 know anything about it.

10 MR. HORNSBY: Yes, but --

11 MR. TWIGGS: Hold on, wait a minute.
12 You know about it.

13 The question for me as an elected official, I
14 want to know about it.

15 So but you are saying that the officer
16 involved was disrespectful to who? The families?

17 MR. HORNSBY: We have a family and a
18 trauma response unit that is --

19 MR. TWIGGS: I am sorry.

20 MR. HORNSBY: Trauma response unit that
21 goes out to assist families with, that are involved in
22 tragedies.

23 MR. TWIGGS: Okay.

1 MR. HORNSBY: One, we got more
2 information than your, well than the detectives did to
3 help solve the last murder.

4 Not to pat ourselves on the back or anything,
5 but --

6 MR. TWIGGS: Who is we?

7 MR. HORNSBY: I am not going to name a
8 name.

9 MR. TWIGGS: Who are you with?

10 MR. HORNSBY: It is families that have
11 lost -- I am from the Mario Hornsby Research Center.

12 It's families that have lost --

13 MR. TWIGGS: Yes. Your son was involved
14 or something?

15 MR. HORNSBY: He was not involved. He
16 was murdered.

17 MR. TWIGGS: I understand, I just didn't
18 want to go back over it.

19 The point I am trying to make is, as you are
20 telling us this, I am just trying to get a clearer
21 understanding what you are saying.

22 As an elected official I want to know the
23 facts, and so you have some facts to give to us and

1 then it --

2 MR. HORNSBY: There is a video on U-tube.
3 All you have to do is go and type Springfield police
4 abuse.

5 It has been viewed thirty-three thousand
6 times since posted. Several comments are listed.
7 Several officers and their faces, and one mainly, I
8 am not going to say names, said, if you don't get
9 this f'ing camera out of my face, I am going to punch
10 you.

11 MR. TWIGGS: I am going to take a look at
12 it.

13 MR. JARNES: We all will. But he said it
14 is against police policy.

15 MR. HORNSBY: But he says there is no
16 specific training. You don't have to be trained.
17 That is something your mother and father should have
18 given you.

19 MR. TWIGGS: You are absolutely right.

20 MR. HORNSBY: So because you have a
21 shield on your chest, that gives you the power to step
22 above?

23 Mr. Fitchet himself never makes himself

1 available.

2 I have been in that police department on a
3 daily basis. He'll stick out a gooney before he
4 sticks out himself.

5 Delaney can't answer the questions that need
6 to be answered. He is not the chief.

7 You know, it's hard to pose a question to the
8 commissioner and not get a response.

9 We are trying to help save our communities.

10 MR. TWIGGS: Let me ask you since you are
11 here.

12 Are you suggesting that we don't need a
13 civilian board?

14 MR. HORNSBY: We do not.

15 Why, I mean why, if the mayor can't do what he
16 is elected to do? I mean ultimately he has the power
17 to do anything outside of the contract, recognize he
18 has a contract, but there is nothing that says he
19 cannot be terminated.

20 MR. TWIGGS: But Mr. Hornsby, here is the
21 question for me.

22 As the elected mayor of the city, obviously
23 he's got a lot of stuff on his plate.

1 No, wait. Not to suggest that this is not
2 important. The question is: I mean he has to have
3 people working with him and for him.

4 And so most cities have some kind of review
5 process, you know, some kind of hearing board to assist
6 the police chief and the elected officials. And so
7 your position is that we don't need it?

8 MR. HORNSBY: Why set up another --
9 Will it be a paid position? Are these paid
10 positions.

11 MR. TWIGGS: Well, we don't know yet.

12 MR. HORNSBY: That is what I am saying.
13 Most people will say I can get an extra
14 part-time job, I can get extra money and they really
15 have no concerns about it.

16 What is the actual committee set up for?

17 MR. TWIGGS: I would hope not.

18 MR. HORNSBY: Well, I would hope not
19 either.

20 MR. TWIGGS: I am not going through this
21 process for a media account or for -- I don't need it.
22 Hell, I am an old man.

23 I want to see us put something in place that

1 will help the community. Period. That is where I am
2 at.

3 MR. HORNSBY: I thought that was in
4 place already.

5 MR. TWIGGS: Well, it is not.

6 MR. HORNSBY: Our governing body.

7 MR. TWIGGS: That is why we have three
8 proposals before the city council right now for police
9 oversight.

10 That is why we have three from thirteen
11 members.

12 MR. HORNSBY: And we have what, sixteen
13 dead bodies right now?

14 MR. TWIGGS: Yes, but I mean --

15 MR. HORNSBY: That is right.

16 MR. TWIGGS: Yes. I think what you are
17 saying is the people who have lost lives, I mean I
18 have a sincere empathy in my heart for them, but I
19 also know that we need to put in place some kind of
20 review process to deal with it.

21 Because the process that we have now is not
22 dealing with it. We need some way of dealing with it.

23 I mean here is a person, you have gone

1 through this, so I would think that -- I was hoping
2 you would give me some insight as to what kind of
3 board is needed, but you tell me we don't need no
4 board.

5 MR. HORNSBY: This is coming from a
6 neighborhood police chief. His exact words were that
7 Springfield needs a police chief that gets up his you
8 know what and do his job.

9 MR. TWIGGS: That's what needs to happen?

10 MR. HORNSBY: He said every officer on
11 my force, I hold them accountable personally. And I
12 know if they mess up who they have to come see. Let
13 the union come back and fight all they want, but if
14 you mess up on my force, ultimately it affects me. I
15 am going to deal with it.

16 MR. TWIGGS: That's the way our police
17 commissioner should be is what you are saying?

18 MR. HORNSBY: Yes. Instead of being on
19 the golf course.

20 MR. TWIGGS: But the point is none of us
21 see all things.

22 I find out stuff in conversation, I really do,
23 you know, and God knows I get so much paperwork, so

1 many phone calls, everybody has got a problem, you
2 know.

3 And as a councilman if I try to deal with my
4 ward, never mind what's happening outside my ward. I
5 mean am busy all the time.

6 And so the question for me is when we have an
7 opportunity to put something in place to correct
8 something, that is what I want to do. That is what I
9 want to do, and I am sure that is what you want me to
10 do.

11 MR. HORNSBY: I already said this is my
12 personal opinion, I already thought we had that in
13 place.

14 MR. TWIGGS: Well, it is not.

15 MR. HORNSBY: City government had that
16 already set up. We have had review boards before from
17 prior administrations.

18 MR. TWIGGS: Yes, but it ain't working.

19 MR. HORNSBY: Exactly. So why put -- why
20 seek another board.

21 MR. TWIGGS: Well, have you ever had a
22 public hearing headed by an African American?

23 MR. HORNSBY: What does race have to do

1 with it?

2 MR. TWIGGS: Because I am talking about
3 ward four. That is what I am talking about. Race
4 has got something to do with it.

5 MR. HORNSBY: But it's not only ward four
6 that is losing members.

7 MR. TWIGGS: But they are the
8 preponderance of people that cry about police
9 brutality.

10 MR. HORNSBY: The entire city cries right
11 now.

12 MR. TWIGGS: That's why we are here.

13 MR. HORNSBY: It is not just ward four.

14 MR. TWIGGS: But we are in ward four
15 tonight.

16 MR. HORNSBY: I understand that. But
17 with all due respect to ward four, I want to save our
18 city.

19 MR. TWIGGS: Whatever is put into place is
20 going to affect all of us.

21 MR. HORNSBY: Ultimately yes.

22 MR. TWIGGS: Yes. And that is what we are
23 about. That is what we are about.

1 We are trying to put something in place for
2 the entire city.

3 So I thank you for coming forward and giving
4 us -- I didn't realize that you had an organization
5 that investigates things of this nature.

6 I'd like to be able to call on you, so give
7 us -- did you give us your address?

8 MR. HORNSBY: We have three independent
9 agencies that we all work together to try to deal with
10 issues within our city, but we are getting no help from
11 our elected officials.

12 MR. TWIGGS: Three individuals?

13 MR. HORNSBY: Three individual agencies.

14 MR. TWIGGS: Can I have a meeting with
15 you? Can I personally have a meeting with you?

16 MR. HORNSBY: You personally can.
17 We have companies that have stepped up saying enough is
18 enough.

19 MR. TWIGGS: Bob, do you have his
20 address?

21 MR. ARIETI: No, Mr. Chairman. He just
22 signed his name.

23 MR. HORNSBY: I give it to you.

1 We have Mass Mutual, big companies that this
2 is having an effect on, that are saying you guys have
3 got to speak up now.

4 So we are organizing a rally now on city hall
5 steps. Enough is enough.

6 MR. TWIGGS: Thank you.

7 MR. HORNSBY: You kind of reminded me of
8 one of the officers when you were talking to one of the
9 people I was speaking of. In your approach of how you
10 did it. I can see the city councilmen is doing it. I
11 am not worried about the damned councilmen doing what
12 they are doing.

13 MR. TWIGGS: If I was disrespectful, I
14 apologize. But you see, if you disrespect me, you
15 can't expect that I am going to listen to you.

16 MR. HORNSBY: No, you are a city official,
17 I am not here to --

18 MR. TWIGGS: We have rules, and you have
19 got to abide by the rules.

20 So if you don't abide by the rules, it is my
21 place to put you into place.

22 MR. HORNSBY: Okay, what gives you the
23 authority to do that?

1 Okay, I am not going to start that issue, that
2 debate.

3 MR. TWIGGS: You understand what I am
4 trying to say, sir?

5 But I'd like to have another session with you
6 personally.

7 MR. HORNSBY: I think the city is going to
8 get what I am trying to say and the community when we
9 finish this rally.

10 We are planning a three hundred and what?
11 Three hundred and seventy-fifth?

12 MR. TWIGGS: Celebration, yes.

13 MR. HORNSBY: Yet we can't plan enough to
14 stop what is going on in our community?

15 Is that what you just said?

16 MR. TWIGGS: Yeah, I mean --

17 MR. HORNSBY: Okay. That is it.

18 MR. TWIGGS: Listen, are you going to
19 draw that big a distinction? No. You either --
20 you are talking about this or are you talking about
21 that. It's apples and oranges.

22 You've got to talk about apples. You can't
23 talk about apples and oranges. You have to talk about

1 one thing, man.

2 MR. HORNSBY: I appreciate your time.
3 I do. With all due respect I do.

4 I am not trying to badger you or anything,
5 but --

6 MR. TWIGGS: Well, I appreciate --

7 MR. HORNSBY: I am glad I did not extend
8 my vote -- (inaudible), but there will be changes in
9 the city with force.

10 Believe that. With force.

11 MR. TWIGGS: Thank you.

12 Does anyone else like to speak before this
13 body?

14 (No response.)

15 MR. TWIGGS: Thank you for coming out
16 tonight.

17

18 (The speaker list was marked as exhibit ten.)

19

20 (The meeting was adjourned at 8:20 p.m.)

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Hampshire, ss.

I, HELGA RAGLE, Court Reporter-Notary Public,
hereby certify that the foregoing is a true and
accurate transcript of my stenographic notes of the
public hearing held at the Rebecca Johnson School,
55 Catharine Street, Springfield, Massachusetts on
December 9, 2010 to the best of my ability.

December 16th, 2010


