
Comparison of Proposed Police Department Ordinances

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Three proposed new Ordinances are pending before the City Council seeking to reform police handling of civilian complaints. This document compares the three proposals. The Proposals are:

Proposal #1: Return to former Police Commission

Proposal #2: Enact Executive Order as an Ordinance

Proposal #3: Enact Executive Order as an Ordinance with modifications

Summary of Proposal #1

Enactment of Proposal #1 would restore the former Civilian Police Commission. The proposal could not legally go into effect until 2013 due to the fact that the City is obligated by contract to employ the current Police Commissioner until that time. Any attempt to enact the Ordinance sooner would be subject to litigation on the ground that it unconstitutionally impairs the contractual rights of the current Police Commissioner.

The Proposal would not only authorize the civilian Police Commission to hear civilian complaints, but would put complete control of the department in civilian hands including all decisions as to hiring, firing, promotions, budgeting, procurement, training, and making of policy and procedures. Such civilian control is contrary to the management study which reviewed the police department in 2005. In addition, the proposal is contrary to the trend of moving towards professional police management and away from civilian control in most major municipal police departments.

Summary of Proposal #2

Enactment of Proposal #2 would turn the Executive Order of the Mayor which is currently in effect into an Ordinance. An Ordinance rather than an Executive Order would add legitimacy to the work of a hearing board in the same manner as Proposal #1, without burdening the civilians with the responsibility of attempting to have full policy making authority for an urban police department with a \$40 million budget as unpaid part time civilians.

The disciplinary oversight under this proposal would be limited to holding hearings and making recommendations to the Police Commissioner as to whether discipline should be imposed and if so to what extent where the Commissioner has brought charges against an officer.

Moreover, this ordinance would go into effect immediately as it would not conflict with any provisions of the current Commissioner's employment contract. Similarly, it would not require any collective bargaining agreement changes as the Commissioner has authority under Civil Service law to designate a hearing officer for civil service disciplinary matters.

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Summary of Proposal #3

Enactment of Proposal #3 would turn the Executive Order of the Mayor into an Ordinance with modifications. This proposal expands the authority of the civilian board to not only hear cases where the Police Commissioner designates the civilian board as hearing officers, but also includes a review by the board to screen complaints with a recommendation as to whether charges should be brought.

This proposal is a reflection of current practice within the Police Department under the Executive Order, and would codify the current practice. In summary, the current civilian board reviews all complaints to make a recommendation as to whether charges should be brought. This was a practice which the Police Commission had followed under the Ordinance that existed prior to the Control Board, and which the civilian boards is existence under Executive Order have continued to carry out, consistent with the Police Commissioners contract, civil service law, and the provisions of the General Laws relative to labor relations and collective bargaining agreements with public employees found in G.L. c. 150E.