City of Springfield, Massachusetts

Community Police Hearing Board Report for 2016

CHAIR
Attorney Hector Zavala

MEMBERS
Robert C. Jackson
Albert Tranghese
Rev. Gail Hill
Richard Muise
Paul A. Phaneuf
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COMMUNITY POLICE HEARING BOARD
ANNUAL REPORT
2016

INTRODUCTION

This Annual Report describes the work carried out by the Community Police Hearing Board (CPHB) for 2016 to advance the mission of CPHB. The current report includes spreadsheets for the data generated by the work of the CPHB during 2016 set forth in an Appendix. The spreadsheets are summarized in tables provided in this report. In addition, the report provides statistics with regard to lawsuits involving allegations of police misconduct. As a result of the Mayor's amendments in 2016, and with the assistance of the Police Department's Crime Analysis Unit, gathering and reporting statistics on behalf of the CPHB, throughout 2016 Quarterly reports have been posted in accord with the Executive Order providing for improved reporting and greater transparency and more public access to information about police misconduct complaints in Springfield.

History and Purpose of Board.

The CPHB was created by an Executive Order of Mayor Sarno in February 2010. The CPHB was an evolution from the earlier Citizen Complaint Review Board (CCRB) established by former Mayor Ryan. The CCRB was first created in response to a study conducted by criminal justice experts Professor Jack McDevitt of Northeastern University and his Associate, Dr. Amy Farrell. The study was conducted as part of a settlement of the filing of a complaint by the Springfield Pastor's Council with the Massachusetts Commission Against Discrimination (MCAD).

Beginning in June of 2009, the former CCRB, under the coordination and guidance of the Mayor's Chief of Staff, Denise Jordan, began meeting to review the original Executive Order governing its activities and began discussing options amongst its members and legal counsel for improving the process and increasing the positive impact of the Board on the community. The former CCRB had issued a recommendation and report on December 9, 2009 and had also held a public hearing on its draft suggestions on that date.

Mayor Sarno requested that the Law Department, on January 11, 2010, expedite review of the suggestions and submit to him a proposal for an increased role for the community to play in the discipline of police officers charged with misconduct as a result of citizen complaints.

Further input was obtained on January 25, 2010 as a result of a public meeting held by the NAACP, which was attended by the Mayor, Police Commissioner, and City Solicitor, for the purpose of getting input from the community. Prior to issuing a new Executive Order, Mayor Sarno requested that past management studies conducted on the Police

Department, as well as the study conducted by experts Professor Jack McDevitt and Dr. Amy Farrell, of Northeastern University, and the Mass Commission Against Discrimination settlement, be taken into consideration. The Law Department reviewed models used in cities across the country; met with the Police Commissioner; reviewed the contracts with the Police Commissioner and Police Unions; met with the Patrolmen's Union to discuss collective bargaining issues; and reviewed applicable statutes and ordinances.

As a result, in February 2010 Mayor Sarno expanded the authority of the Board to act as a hearing officer for the Police Commissioner and to make findings as to on each complaint and recommendations as to the discipline to be imposed. The Executive Order increased the role of the community in the discipline of police officers charged with misconduct as a result of citizen complaints, yet preserved the organization established by Ordinance, state law and contractual and collective bargaining obligations.

Since 2010, under Mayor Sarno's Executive Order, the CPHB has sat as an independent and non-police mayoral agency providing civilian oversight over the investigation of citizen complaints by the police department, made recommendations to the Police Commissioner as to whether disciplinary charges should be issued against an officer with regard to each complaint, and has rendered hearing decision recommendations for the Police Commissioner's consideration as required.

In addition to its role with regard to reviewing citizen complaints and acting as a Hearing Officer at the request of the Commissioner, the Board plays an important outreach role in educating the community of the opportunity to file a complaint, public dissemination of information as to how and where to file a complaint, and the rights of the community in dealing with the police. The Mayor's Chief of Staff, Denise Jordan, helps coordinate outreach events with the Board.

The CPHB issues this annual report to summarize its activities, and includes observations and recommendations concerning its policies and practices in relation to the Police Department.

CPHB Membership - 2016

The current chair of the CPHB is Attorney Hector Zavala. Attorney Zavala replaced Attorney Bourguignon, who was appointed to serve on the Zoning Board of Appeals. Attorney Cynthia Tucker, who formerly served as MCAD Commissioner, and oversaw the investigation of the original complaint filed by the Pastor's Council that led to the creation of this civilian oversight board, was the first Chair under Mayor Sarno's Executive Order. One of the original complainants from the Pastor's Council included former Vice Chair of the CPHB, Reverend Amos Bailey, who has since retired from the board, was a party to the Pastor's Council settlement at the MCAD under Attorney Tucker when she served as MCAD Commissioner. Members of the CPHB during 2016 included: Robert C. Jackson, Albert P. Tranghese, Reverend Gail Hill, Richard Muise,

who and since resigned, Paul A. Phaneuf and Linda Caron, and new member Gary Berte, PhD, who is a professor at Spring.

The CPHB is a diverse group as far as representing different areas of the City, different racial, ethnic, gender and religious demographics - Black, Latino, White, Men and Women who represent different perspectives and backgrounds and careers, from human resources and union representation, education, security, law enforcement, the clergy, small business owners, and the chair has past experience as a prosecutor and is currently employment as staff attorney with the trial court.

During 2016, the CPHB underwent some membership changes that included the new Chair; Attorney Zavala. Attorney Zavala submitted an Op Ed article to the local newspapers expressing his observations, and the Board unanimously voiced support for his observations as stressed in the article.

Attorney Zavala is a lifelong member of the community who has worked in the field of social work as well as the criminal justice system and as someone who cares very much about the relationship between the Springfield police and members of our community. He noted in the article that the CPHB members come from a broad range of backgrounds and experiences.

Attorney Zavala stated in his article that the CPHB are City residents who want to make sure that citizens who complain have a voice when they make an allegation of police misconduct, and that officers are treated fairly when they are facing disciplinary charges. As noted by Attorney Zavala, none of the CPHB members would tolerate treating anyone who comes before them, regardless of background, with anything but the respect and courtesy that each human being is entitled. The CPHB wants every person who comes before them to know they will be treated equally, with courtesy, and with an open mind. These are the values the CPHB members keep in mind when doing theirjob reviewing every citizen’s complaint that comes into the Police Department.

The CPHB is appointed by the Mayor, but, as Attorney Zavala stated in his article, neither the Mayor nor any other outside interference from any source has attempted to influence or interfere with the CPHB review of complaints or hearing decisions.

As noted by Attorney Zavala, the Police Commissioner, as an experienced professional in his field, rightly retains final authority under Civil Service laws whether or not to impose discipline, and what actual discipline to impose. While the CPHB only has authority to make recommendations on whether or not discipline should be imposed, Attorney Zavala indicated he was not aware of any case where the Police Commissioner had failed to impose discipline on an officer when recommended by the CPHB. It is the Police Commissioner’s job to select the discipline.

In response to some criticism of the CPHB process under a single Commissioner, Attorney Zavala stated “It is easier to hold an individual accountable for such decisions than it is to hold a group of people responsible. Some voices in our community claim that

the CPHB is not “powerful” enough. In fact, the CPHB is not in need of more power. It is in need of more respect, support and recognition from community leaders. Members put in long hours and hard work on a volunteer basis reviewing cases, hearing disputes and reaching out to the community. If the CPHB receives the support it deserves, police and community relations in Springfield will continue to improve.”

As noted by Attorney Zavala in follow up to news reports, “the public has the right to be kept informed of police misconduct cases, especially at a time of heightened concern over police use of force across our nation. It is ironic that, as the Mayor and the CPHB have worked to improve the openness and transparency as to the police disciplinary process, in an effort to be fair to all stakeholders, no one seems to recognize that the information which is the subject of media stories is only available because of the work of the members of the CPHB, reports of IIU, and the leadership of the Police Commissioner and Mayor.”

The new Chair of the CPHB stated that the Board will continue to review every citizen’s complaint of misconduct that comes before it without fanfare, reviewing the officers' actions and determining whether such police conduct was “objectively reasonable” in light of the facts and circumstances confronting the officer at the time.

The CPHB will continue to judge the reasonableness of a particular use of force judged from the perspective of a reasonable officer on the scene, and with a calculus that embodies an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation, rather than with the benefit of 20/20 hindsight.

Attorney Zavala also noted that he would continue efforts to lead the CPHB to assure the proper application of Constitutional standards required by courts and which all police officers must follow. Attorney Zavala also noted that no one on the CPHB is afraid of telling it like it is when it comes to making findings that will hold up under legal review when the facts show an officer’s conduct has crossed the line, or telling a complainant that their allegations have not been substantiated.

The CPHB has evolved from its original concept when it was created in response to a study conducted by criminal justice experts Professor Jack McDevitt of Northeastern University and his Associate, Dr. Amy Farrell. That study was conducted as part of a settlement of the filing of a complaint by the Springfield Pastor’s Council with the Massachusetts Commission Against Discrimination (MCAD).With support of community leaders, the CPHB can continue to evolve and improve the way civilian oversight of the Police Department is handled.

As Chair of the CPHB, together with his colleagues on the Board, Attorney Zavala stated “we will work to help maintain a unified community, while holding to professional

standards of conduct in the police department and addressing harms done to community members and the community as a whole"[1]

The CPHB Review and Hearing Process.

The CPHB review starts with making sure that each complaint is fairly and thoroughly investigated. Where it is not; for example, if the Board feels that not enough effort was made to obtain evidence from a particular witness, the CPHB is empowered to send it back to the Internal Investigating Unit for further investigation. From 2009 to date, every citizens complaint and every IIU report has been seen and reviewed by a board made up of citizens from Springfield. Each Board has been given broad access to information about any case subject to a citizen complaint.

A copy of Mayor Sarno's Executive Order that was in effect for the 2016 period is included in Appendix 3 to this report. Mayor Sarno enacted changes in the Executive Order effective April 1, 2016. The revisions are intended: to improve the process for sharing information about the CPHB review of citizens' complaints with the public; increase public awareness of the work of the CPHB; and utilize the review process to help assure the Police Department is maintaining best practices in its policies and procedures in accord with changes in the law of criminal procedure.

The revised order provides that the Police Department's Crime Analysis Unit will assist the CPHB by improving the database used to track matters involving citizens' complaints. The information kept in the database will be reported to the public through the City Clerk's office and the City's website on a quarterly basis. The essential responsibilities of the CPHB include:

- case reviews of all citizen's complaints, (held approximately bi-monthly), to assure that every citizens' complaint is thoroughly investigated, and to recommend whether or not disciplinary charges should be issued by the Police Commissioner against an officer involved in an incident;

- conducting periodic civil service disciplinary hearings, by designation of the Police Commissioner, to determine whether there is just cause for discipline and recommending to the Police Commissioner whether or not discipline should be imposed;

- holding public meetings throughout the year for the purpose of public outreach and education in an effort

[1] Attorney Zavala has been appointed an Assistant Clerk Magistrate for Springfield District Court. As a part of his new employment, he has tendered his resignation to the Mayor and Mayor Sarno will be appointing a new chair in the near future.

to improve relations between police officers and the community.

The revisions also clarify that the Open Meeting Law applies to all aspects of the CPHB work. While the 2010 revision required compliance with the Open Meeting Law, the current revision clarifies that notices of all phases of the CPHB work must be posted and minutes kept in accordance with the Open Meeting Law which has also been recently amended.

While the deliberations of the CPHB involving complaints against employees may be required to be held in Executive Session, due to the need to manage personnel matters confidentially, the democratic process depends on the public having knowledge about the CPHB action. This revised Executive Order seeks to provide the proper balance of these interests. The members of the CPHB have worked hard to carry out their responsibilities, and the Open Meeting Law postings assure that the public will be aware of the work that is ongoing. As the CPHB continues to evolve, it will continue to improve upon its practices for the good of the City.

In addition, the revisions add a new component to the review process involving an “after action review” where recommended by the Law Department for the purpose of a structured review or de-brief process to analyze what happened, why it happened, and whether the Law Department recommends any proposed changes in Police Department policies or procedures.

In furthering his efforts to make positive changes in the police department, Commissioner Barbieri is seeking proposals from outside experts to examine the policies, practices and related processes within the department’s Internal Investigation Unit (IIU) and to make recommendations for improvements wherever needed. Commissioner Barbieri has taken steps to increase supervision of IIU by transferring a Lieutenant for added quality assurance in reviewing IIU reports with the goal of achieving the utilization of best practices. In addition, the Police Department is reviewing new specialized software for the purpose of tracking and analyzing police misconduct complaints.

The Commissioner has stated that he has taken these measures to assure the Police Department provides our citizens with the best public service in regards to the critical component of internal affairs policies, practices and processes by establishing progressive criterions in line with national standards.

The Law Department will review any proposed change for the purpose of determining whether the clearly established law has changed, and if so, what procedures, practices, orders or training should potentially be changed to work with the Police Department to assist on the legal aspects.

Under the previous order applicable to 2014 and 2015, the Board was empowered to receive, hear, make findings and recommend action on complaints against Springfield police officers which allege: the use of excessive or unnecessary force, abuse of

authority, discourtesy, or the use of offensive language. Investigations of complaints are conducted by the Springfield Police Department Internal Investigation Unit staff (IIU) under the direction of the Police Department Captain of Professional Responsibility.

Complaints may be made by any person whether or not that person is a victim of, or witness to, an incident. In addition, the Captain of Professional Responsibility reviewed all reports of injury to prisoners for the purpose of determining whether or not the department should initiate an IIU investigation and for consideration of possible disciplinary charges.

Under the revised Executive Order that was put in effect beginning April 2016, CPHB members would review complaints in a case review process with a recommendation made as to whether the police commissioner should initiate disciplinary charges. A form is utilized to provide standardization and consistency, and to be utilized as a record of the CPHB's activities during a review meeting. A review could involve as few as one person or as many as the entire Board. The dates of the review meetings are posted on the City's website along with the dates of Hearings providing a record for public access.

After an initial review by the CPHB, the Commissioner, as Civil Service Appointing Authority, determines whether or not to issue a charge letter, leading to a full hearing in front of the CPHB acting as hearing officer under the civil service law; Chapter 31 of the Massachusetts General Laws.

Some cases resolve prior to a hearing by an agreement being reached between the Commissioner and the Union. Overall, the willingness of the unions to accept the imposition of discipline and waive the rights of individual officers to a full hearing is an indication that the CPHB process is viewed similar to a jury and has a similar effect; prompting pleas in lieu of a hearing.

If a hearing is held on the charges, findings of fact are determined by the CPHB to determine whether "just cause" for discipline has been shown by substantial evidence and a recommendation as to whether or not just cause for discipline has been shown is included with the CPHB hearing results sent to the Police Commissioner.

The findings as to each allegation in the complaint prior to the 1016 revisions was more nuanced and could be somewhat confusing as it included findings of: (a) "Unfounded," where the investigation determined no facts to support that the incident complained of actually occurred; (b) "Sustained," where the complainant's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper; (c) "Not sustained," where there are insufficient facts to decide whether the alleged misconduct occurred; (d) "Exonerated," where a preponderance of the evidence shows that the alleged conduct did occur but did not violate the policies, procedures, practices, orders or training of the SPD.

Under the revised system the nuances of the different findings have been eliminated. The revised order streamlines the findings by focusing on whether or not there is "just

cause" for discipline. This process is easier to understand and more in line with the criminal justice model of dividing functions between judge and jury, where a jury decides "guilty or not guilty" and a judge imposes a sentence where guilt is established "beyond a reasonable doubt" Under the disciplinary system, the "just cause" standard applies rather than the more stringent burden of "beyond a reasonable doubt". As such, "just cause" is found where the grounds for discipline is "more likely than not"; i.e. shown by a "preponderance of the evidence".

While recommendations by the CPHB no longer include specific disciplinary suggestions, the CPHB may certainly comment after the imposition of the discipline as to whether the punishment was appropriate or not. However, the revised order, by focusing on the CPHB authority to make a recommendation of whether just cause exists for discipline, rather than recommending a specific discipline, results in any discipline imposed being less likely to be reversed through a civil service or arbitration appeal, and assures greater consistency with progressive disciplinary policies required by law.

In line with the original study performed by Professors McDevitt and Farrell, the process for civilian oversight of police misconduct in Springfield will continue to evolve and incorporate best practices to advance the mission of improving trust and repairing relationships between police and the communities they are sworn to serve and protect.

CPHB Activities - 2016

As previously noted the CPHB reviews all complaints and investigations, conducts Hearings under Civil Service procedures, and conducts outreach activities. During 2016 the CPHB held outreach meetings throughout the City. The locations included: Lower Liberty Heights Community Action Team, at 233 Franklin Street; Armory Quadrangle Civic Association, at the Museum Park Apartments, 140 Chestnut St. Old Hill Neighborhood Council, at 99 Eastern Avenue; East Forest Park Civic Association, at Holy Cross Community Room, 221 Plumtree Road; Maple High Six Corners Neighborhood Council, at the Mason Square Senior Center in Emerson Hall; Pine Point Community Council, at the Pine Point Neighborhood Council Office, 335 Berkshire Ave.; Indian Orchard Community Council, at 117 Main St.

As to complaints and investigations reviewed and heard, during 2016 the CPHB reviewed ninety-four (94) Complainants filed during the calendar year. Fifteen (15) complaints were from past years and remained pending at the beginning of 2016. At the end of the calendar year, ten (10) complaints were still pending. The complaints listed involve the number of actual complainants. The charges issued and reviewed by category are linked to the number of officers.

In addition to case reviews, the CPHB conducted hearings. The actions taken by the CPHB are listed in the detailed spreadsheet found in Appendix 1.

All meetings to review complaints are posted under the Open Meeting Law and the review session is held in executive session for purposes of considering whether disciplinary charges should be issued, unless an officer requests that the meeting be opened to the public. Where the Commissioner follows the recommendation and disciplinary charges are issued, the Commissioner has them available to act as Hearing Officers. All hearings are posted in accord with the Open Meeting Law, but hearings are held in executive session.

DATA SUMMARY OF COMPLAINTS

1. Calls For Service, Arrests, Complaints, Reviews, Hearings And Lawsuits Involving, Police Misconduct

The CPHB gathers statistics as to the number, type and disposition of all citizen complaints. This report provides an overview of Internal Investigation Unit (IIU) and CPHB data for period covering 2016. The data has been sorted in tables regarding the number, type, and resolution of complaints against Springfield Police Department personnel, and according to whether the complaint was initiated by a citizen or by a member of the Springfield Police Department.
To place the data in perspective, the level and frequency of involvement that the police officers have with the public in Springfield must be considered and can be used for comparison to other communities. In this regard, the CPHB has gathered the data covering the total number of calls for service through the "911" emergency system (CFS) and the total number of arrests for the past several years, not including juveniles. The data is presented in a table. The data for 2015 was revised compared to the last annual report to provide greater accuracy and consistency.

Table A – Summary of Calls for Service and Arrests

Yearly	2011	2012	2013	2014	2015	2016
CFS	183,839	173,463	176,897	186,220	205,950	252263
Arrests	5,627	4,432	3,952	4,196	4,397	4625

As officers increasingly confront violence and step up efforts to apprehend suspects in the community, the chance of alleged unjustified force or other misconduct increases. Without a transparent accountability model in place to help ensure that all complaints are investigated thoroughly and fairly, the Department risks losing legitimacy in the community, particularly in high crime neighborhoods where trust and confidence are most critical to effective policing.

These statistics show that the number of complaints as a percentage of arrests is a small number. Compared with the number of calls for service, the number is very small. For purposes of comparing the above data to other communities, the following table sets forth the most recent information from the United States Census Bureau website.

Table B – U.S. Census Data for Springfield[2]

Population	
Population estimates, July 1, 2015, (V2015)	154,341
Population estimates base, April 1, 2010, (V2015)	153,195
Race and Hispanic Origin	
White alone, percent, April 1, 2010	51.8%
Black or African American alone, percent, April 1, 2010	22.3%
American Indian and Alaska Native alone, percent, April 1, 2010	0.6%
Asian alone, percent, April 1, 2010	2.4%
Native Hawaiian and Other Pacific Islander alone, percent, April 1, 2010	0.1%
Two or More Races, percent, April 1, 2010	4.7%
Hispanic or Latino, percent, April 1, 2010	38.8%
White alone, not Hispanic or Latino, percent, April 1, 2010	36.7%

2. Data concerning Complaints Reviewed by CPHB during 2016

Appendix 1 contains a spreadsheet showing all data for all complaints received by the Springfield Police Department during 2016. All complaints received were reviewed by the CPHB. The data contained in the spreadsheets was used to generate Tables A and B categorizing the statistics by source, Race, Gender, Nature of Complaint, whether allegations of discrimination was alleged, and by disposition. In addition, if a policy change was made, it was noted. Statistics were also provided as to whether the complaint involved a police officer or a supervisor, as well as the final disposition of the case.

Each Citizens Complaint incident (CC) is listed in spreadsheets. The Springfield Police Department also designates certain incidents with a Preliminary Investigation of Employee or "PIE". A PIE designation indicates the matter was initially investigated by an officer's Commanding Officer in the first instance. The majority of matters so designated involve allegations of "rudeness" or discourtesy. This is not to say that discourtesy is not considered serious. As an example, what may seem simple rudeness may turn out to be more serious. A complaint of discourtesy, although designated for PIE, could result, with further investigation, to reveal facts uncovering that the "rudeness" involved the use of a racial slur or hate speech. Under such circumstances, the complaint could lead to discipline up to and including termination. The PIE designation was created as a method of allowing IIU to focus on the most important cases in the first instance. Where the Commanding Officer determines that the issue warrants further investigation after a PIE, the matter is referred back to the IIU and goes beyond a preliminary investigation.

[2] https://www.census.gov/quickfacts/table/PST045215/2567000

2016 CPHB YTD REPORT
(Jan. 1 through Dec. 31)

In order to summarize the data from Appendix 1 it is organized into the following tables (C through G) which break down the complaints by source (Citizen or Internal) filed during 2016, the background of complainants – if known, the types of charges (reviewed by category), the outcome of the charges (sustained or not sustained), and the number of charges pending, both citizen or internal. As previously noted, the details of each complaint are found in Appendix 1.

Table C - Complaints by Type

Citizen	80
Internal	20
TOTAL	**100**

Table D - Complainant Background

Race	
American Indian	-
Asian	2
Black	20
Native Hawaiian	-
Other	1
Unknown	17
White	60
Gender	
Female	50
Male	41
Other	-
Unknown	9
Ethnicity	
Hispanic	26
Non-Hispanic	-
Unknown	74

Table E - Charge Outcomes

Disposition Type	**Citizen**	**Internal**
Sustained	16	13
Not Sustained	115	25

Table F - Charges Pending

	Citizen	Internal
Pending	99	25

Table G - Charges Reviewed by Category

Charge	Citizen	Internal
Bias/Gender	-	-
Bias/Orientation	-	-
Bias/Race	-	-
Criminal	3	6
Discourtesy	56	4
Physical/Equipment	13	6
Physical/Hands	40	12
Rules/Regulations	86	22
Search & Seizure	10	-

3. Police Misconduct Lawsuits

The CPHB wants to help ensure that independent oversight is a part of efforts to identify and resolve underlying systemic problems within law enforcement, with a primary focus on reducing and preventing misconduct and enhancing accountability, as well as promoting effective policing and developing strategies for positive organizational change. Towards that end, we have asked that data as to police misconduct lawsuits be provided to the CPHB and publically disseminated.

Appendix 2 provides a database of all police excessive force/misconduct lawsuits where the City or members of the police department were named as defendants in litigation since 2006. Table H provides a statistical summary of Appendix 3.

The summary (Table H) indicates that the City has been involved in 46 lawsuits alleging a deprivation of civil rights through police misconduct filed in court in the past 10 years through calendar year 2016. As to those lawsuits, 33 lawsuits have been disposed of; 14 by judgments and 19 by settlements. Of the 14 judgments, only 2 have resulted in liability against the City while twelve of the judgments have been entered in favor of the City and/or its officers. Eleven cases remained pending as of December 31, 2015.

TABLE H – Lawsuits Alleging Police Misconduct (1/1/2006 – 12/31/2016)

Year	# Filed	# Closed *	# Jgmts **	# Judgmt Pltf v. Def ***	$ Judgment Amount **	# Settld	Settlement Total $ ***	$ Total Settled and Judgmts ****
2006	1	1	0	0/0	0	1	32,500	32,500
2007	6	4	2	0/2	0	2	218,000	218,000
2008	1	5	4	0/3	0	1	13,000	13,000
2009	9	2	2	0/1	0	0	0	0
2010	3	4	1	0/1	0	3	79,000	79,000
2011	2	1	0	0/0	0	1	13,900	13,900
2012	7	5	2	0/1	0	3	605,500	605,500
2013	8	6	4	0/3	0	2	55,500	55,500
2014	4	5	3	01/02	1,000,000.00	2	47,000	1,047,000
2015	3	8	4	1/3	85,000.00	4	273,000	358,000
2016	2	4	0	0/0	0	4	63,750	63750
TOTAL	46	45	22	2/20	1,085,000.00	23	1,337,400.00	2,422,400

* includes 4 cases filed pre 2006 but disposed thereafter

** average combined settlement and judgment for 45 cases closed is $59,082.93 per case

*** average combined settlements and judgments per year is $ 220,218.00

**** average judgment in 22 cases is $ 49,318.00 per case.
average settlement in 23 cases is $ 58,147.82 per case

CBHB OBSERVATIONS

The following are some of the observations of the Board as conveyed to the Law Department. These observations (as well as the recommendations that follow) echo earlier observations from earlier annual reports. It is important that the institutional experience of former members of the CPHB be carried through in support of the intent that the Board reflect on the history that preceded it, and it is equally important that the Board evolve as intended.

- ***Civilian Oversight of Police as a National Issue.***

During 2016, sparked by the police involved shootings across the country, police misconduct remained one of the top subjects of an ongoing national debate on relations between law enforcement and minority communities that has come to the forefront of news reports. In testimony provided to Congress, the National Association of Civilian Oversight of Law Enforcement (NACOLE) stated that "the current crisis of mistrust and breaking or broken relationships between police and the communities they are sworn to serve and protect is one of the most pressing challenges facing the nation". The members of the CPHB agree with this statement.

The CPHB is hopeful that it can play a positive role as the civilian oversight agency in Springfield by providing an unbiased role in police department policy development through community outreach and CPHB inclusion in the police department disciplinary decision process. Springfield is one of only about 200 communities across the country with some form of civilian oversight of the police.

- ***Police misconduct lawsuits*.**

The data collected by the CPHB in appendix 2 and summarized in the Table above, shows that the amount of money expended by the City to pay settlements and judgments on cases claiming a violation of civil rights as a result of police misconduct has seen a dramatic increase over the past two years, consistent with national trends in median jury awards.

It is hoped that as the CPHB evolves, its impact will be to improve trust between police and the community, and as a result, future misconduct will decrease as will the legal costs related to lawsuits claiming police misconduct.

- ***Videotaping.***

Videotaping continues to be an important issue of concern by the CPHB. There are two components: Videotape evidence made by suspects or bystanders, and dashboard and body camera use by the police. As with last year, the City has faced lawsuits which have involved the issue of suspects and bystanders videotaping police officers. Springfield Police Officers do receive training in this area through handout materials at roll call, or through annual in-service training.

- ***Cooperation of Witnesses.***

There continues to be a large number of complaints which are unfounded or where police officers are exonerated where the non-cooperation of witnesses appears to play a role. While the board can only speculate as to the reasons for non-cooperation, there continues to be a general concern by the CPHB that complainants and witnesses may fear retribution or they have a sense that "nothing will be done" as a result of their complaints. The data indicates that, where the CPHB held hearings and did have cooperation of witnesses, findings against officers were sustained and discipline was imposed, without any retribution against the witnesses. The Police Commissioner has repeatedly demonstrated his support for the CPHB and this process. In order to provide greater assurances to witnesses as to the integrity of the existing process, the CPHB process would benefit by an increased show of support by other City Officials.

- ***Public Outreach. In 2016***

There is a need for more outreach and public education as to the role and duties of the CPHB to dispel any perceptions about coming forward and voicing complaints and participating in the citizen complaint process. Attendance at public meetings has been sparse and a greater understanding and increased public participation would increase public confidence in the Springfield Police Department.

- ***Complaints of Rudeness.***

As with past years, many complaints reviewed involved complaints of "rudeness" by officers. Such incidents have the potential to escalate into a volatile situation. In addition, such complaints tend to discourage participation in the citizen complaint process and erode the community trust of the police department. There were no instances of complaints for rudeness being brought to the CPHB by SPD internal administrators. This is to be expected as it is hoped that supervisors are able to handle such complaints without the need for intervention by the CPHB. However, greater efforts should be made to address rudeness complaints brought by citizens in an alternative dispute resolution setting. The Board would like to develop a voluntary mediation process which emphasizes dialogue between parties and provides a safe environment where parties can air their views about events or issues leading to the dispute. The process would be intended to develop mutual understanding between the parties in the course of resolving the dispute. Mediation could potentially be resolved by providing both parties with an opportunity to express themselves freely and work toward a mutually agreed-upon resolution of a dispute.

The Citizen's Police Academy provides a useful bridge to help understand the workings of the police department and has helpful education materials.

The IIU has been very professional in their dealings with the Board and very accommodating in their schedule to provide information to the Board.

CPHB RECOMMENDATIONS

The CPHB wants to help make constitutional policing and transparency core values of policing in Springfield, as well as helping to build systems of accountability that include independent oversight. The CPHB will support the many police officers who uphold their oaths, engendering greater public trust.

Based on CPHB observations, as well as a review of some of the recommendations by national civilian oversight of law enforcement organizations brought to the CPHB's attention by the Law Department through training sessions, the following are recommendations of the CPHB in regard to the policies and practices of the police Department as to police conduct and training, and the structure of the and work of the CPHB. In line with the recommendations and goals of national oversight organizations, we hope to help improve the quality and integrity of police disciplinary systems.

- **Video Cameras**

Once again, the CPHB recommends that the Police Department expand the use of video cameras by placement on the dash of all cruisers, and supports the consideration of their use of body cameras, as well as increased use within the police headquarters. The CPHB understands there are legal and logistical issues that need to be addressed in order to implement a policy that expands the use of video, but the CPHB contends the cameras would assist the City in protecting the patrol officers from assaults and unfounded allegations of police misconduct. The video cameras may also provide protection to civilians from police misconduct. As stated in the past, according to a report of The International Association of Chiefs of Police (IACP) studying the use of in-car cameras, 97 percent of the citizens polled across the U.S. support the use of in-car cameras for law enforcement. While law enforcement views the acquisition of camera technology as a means to demonstrate their professionalism and increase officer safety, the public views cameras as a means to guard against abuse. Despite the difference in opinions, both the public and the police have shown support to use the technology, making the acquisition and implementation of an in-car camera program a win/win proposition for all. According to the IACP report, in 93% of the time a complaint is filed regarding police conduct and there is video evidence available, the officer is exonerated. See IACP's *Report on In-Car Cameras*, 2004.

The CPHB has previously suggested that dashboard cameras be introduced as soon as practicable in a scaled version that can be expanded as legal and contractual issues are addressed. Similarly, the CPHB would support a similar approach with regard to body cameras as a pilot program.

- **Training**

The CPHB wants to help ensure that police officers continue to have the proper tools, guidance, training, and supervision to carry out their law enforcement responsibilities safely and in accordance with individuals' constitutional rights. In this regard, the CPHB recommends the following:

Cell Phone video

The CPHB has been informed that Springfield Police Officers have received training as to police practices concerning officers' prohibition of preventing the taking of photos or video depicting law enforcement activities in public and guidance that where the filming is "hindering" and the cameraperson is breaking laws, such that officers may then effectuate an arrest. The CPHB recommends that these policies and training be shared with the public at a CPHB outreach meeting so that the public is aware that the mere taking of photos or video does not constitute probable cause for arrest and should never be the reason for any arrest. However, the public needs to respect the officer's need to carry out the appropriate use of force without interference which may jeopardize the safety of the officer.

Tasers

The CPHB has been informed that the Springfield Police Department has initiated a program of issuing new equipment and has been training employees on the use of new technology, specifically, electronic weapons, or "Tasers". The CPHB recommends that the policies and procedures involving the use of such weapons be shared with the public at one of the CPHB's quarterly meetings for public awareness as well as information for the CPHB to utilize for its own training in the event that any complaints are reviewed which involve such weapons.

- **Building Community Trust**

The CPHB wants to ensure police continue to function as a part of the community; that police continue to work to cultivate legitimacy by engaging with the community fairly, impartially, and respectfully; and, that the police become more directly responsive to the community. In this regard, the CPHB recommends the following:

C3 (Counter Criminal Continuum Policing)

Commissioner Barbieri has expanded the C3 (Counter Criminal Continuum Policing) initiative from the North End neighborhood

to other areas of the city. The CPHB is supportive of any effort to fight crime by police working with residents to root out sources of problems in the neighborhoods. The CPHB believes that the C3 initiative, where police, city and state agencies, and community organizations work with residents to identify problems before they have a chance to escalate into something worse is the type of measure that will help build trust. The CPHB recommends that any data that could be supplied to it for measuring effectiveness of the C3 initiative within those zones be supplied to the CPHB.

Citizen's Police Academy

The Citizen's Police Academy should be more widely publicized and its materials more widely distributed. While the ten week commitment to complete the program can be daunting, the Citizen Police Academy should consider the presentation of some shorter programs to be held in conjunction with CPHB outreach efforts.

CPHB and Police Academy

The CPHB Board members should all attend one of the Police Academy classes to be introduced to new recruits and explain their role. It may also be appropriate for the CPHB to receive training through a nationally recognized association that brings together individuals and agencies working to establish or improve oversight of police officers in the United States.

CPHB Outreach to Schools

CPHB should coordinate with the Springfield School Department to go directly into the Springfield Public Schools, in addition to going before neighborhood councils, to meet with Junior High and High School students as part of the outreach and education efforts.

Access to IIU materials

The CPHB has full access to all IIU materials. However, during a recent training session, members requested offsite–remote access to materials prior to case reviews and hearings. At this time, in accordance with practices dating back to the Police Commission, no IIU files are allowed to leave the Police Department. Each CPHB member is required to visit the Police Department to review the file on each matter. The Board has requested that the Commissioner consider a process to increase their access, yet maintain cyber security standards, through a remote access system. The issue will be submitted to the Labor Relations Department and the Commissioner for review and consideration.

Assignment of Additional Case Presentation Resources.

During a recent training session, some members of the CPHB noted that the number of lawyers presenting cases is limited. In order to increase the legal resources available to the Board, Mayor Sarno has assigned Attorney Alesia Days to present cases at hearing for the Board. The current Director of Licensing does not currently participate in the involvement of any civil actions involving the police department, and will continue to refrain from doing so. However, as a former Hamden County prosecutor, Attorney Days, acting under the Director of Labor Relations, will add valuable experience and skills to the roster of Attorneys utilized to present evidence on behalf of management.

Modification of Recommendation Authority.

At a recent training session, some members of the CPHB requested that the Mayor consider modifying the Executive Order which they operate under in order to include the provision of recommendations, not only as to whether just cause exists to impose discipline, but where just cause is found, that a recommendation as to the nature of the discipline be included with the recommendation to the Commissioner. In order to guide the recommendation, the CPHB members requested that Labor Relations provided sentencing guidelines in order to assure consistency with past discipline with a range of appropriate discipline.

The above observations and recommendations will be shared with the Captain of the IIU as well as the Police Commissioner for discussion, potential revision and feasibility of implementation. In addition, the Board is planning a public hearing to review the data and observations and seek public input.

APPENDIX 1
2016 CPHB Data

Copy Attached

APPENDIX 2 –
Police Misconduct Litigation Data

SPRINGFIELD POLICE DEPARTMENT MISCONDUCT LAWSUITS 2006 - 2017

NAME	MATTER #	COURT	CASE #	Disposal of case	closed	Paid
Charvis	03-00011	Superior	3:03-CV-30204	settled	**2006**	$32,500
Sheppard, Sheila	06-00856	Federal	3:07-CV-30166	dismissed on City Motion	2007	0
Alexander	07-00177	Federal	3:07-CV-30085	dismissed on City Motion	2007	0
Greer	04-00311	Federal	3:05-cv-30001	settled	2007	$180,000
Mc Creary	98-00003	Superior	3:98-CV-30101	settled	**2007**	$38,000
James, Donald	07-00273	Federal	3:07-CV-40169	dismissed on City Motion	2008	$0
Baldwin	08-00001	Federal	3:07-CV-30167	dismissed on City Motion	2008	$0
Jones, Lucy	07-00127	Fedreal	3:09-CV-30003	dismissed on City Motion	2008	0
Williams	07-00128	Federal	3:07-CV-30087	Defense verdict at trial	2008	0
Pinkney	07-00231	Federal	3:07-CV-30165	settled	**2008**	$13,000
Self	10-00109	Superior	HDCV 2009-00280	dismissed on City Motion	2009	0
Schubert	06-00933	Federal	3:06-CV-30033	Defense verdict at trial	**2009**	0
Caraballo	10-00909	Federal	3:09-CV-30155	Defense verdict at trial	2010	0
Hill	09-30042	Federal	3:08-CV-30175	settled	2010	$1,000
Jiles	09-00038	Federal	3:09-CV-30064	settled	2010	$38,000
Skroback	08-00190	Federal	3:09-CV-30063	settled	**2010**	$40,000
Henriquez	10-01654	Federal	3:09-CV-30232	settled	**2011**	$13,900
Malik	12-04435	Federal	09-00394	dismissed on City Motion	2012	0
Bessette	11-02541	Federal	3:10-CV-30190	settled	2012	$7,500
Thomas	10-01965	Federal	3:10-CV-30090	Defense verdict at trial	2012	0
Jones, Melvin	10-01340	Federal	3:10-CV-30244	settled	2012	$575,000
Bakath	08-00156	Federal	3:09-CV-30229	settled	**2012**	$23,000
Ayyub	13-05555	MCAD	13SPA01180	lack of probable cause	2013	0
Blakeslee	12-05216	Federal	3:12-CV-30001	settled	2013	$28,000
Bari	12-04215	Federal	3:11-CV-30157	dismissed on City Motion	2013	0
Sein	12-03581	Federal	3:12-CV-30015	settled	2013	$27,500
Larkins	11-02828	Federal	3:11-CV-30001	Defense verdict at trial	2013	0
Holmes	10-01310	Federal	3:09-CV-11219	dismissed on City	**2013**	0

				Motion		
Donovan	15-06530	Superior	HDCV2014-00622	dismissed on City Motion	2014	0
Palacio	13-05573	Federal	3:13-CV-30149	settled	2014	$32,000
Charlemagne	13-05468	Federal	3:12-CV-30090	settled	2014	$15,000
Vasquez	10-01311	Federal App	12-1665	Defense verdict at trial	2014	0
Walker	10-00062	Federal	3:12-CV-30119	Pltf jdgmt/settld after jdgmt	**2014**	$1,000,000
Hall	13-05169	Federal	3:13-CV-30002	dismissed on City Motion	2015	0
Ridley	13-05613	MCAD	13SPA01504	lack of probable cause	2015	0
Stanek	13-05154	MCAD	12SPA03338	lack of probable cause	2015	0
Ververis	12-04334	Federal	3:13-CV-30175	settled	2015	$175,000
Cayo	12-04216	Federal	3:13-CV-30113	settled	2015	$53,000
Rennex	13-05069	Federal	3:13-CV-30185	settled	2015	$35,000
Gasperini	14-05949	Federal	3:15-CV-30028	settled	2015	$10,000
Jones, Lucy	03-00008	Superior	HDCV 2003-00604	P's Judgt /Hear. on Dam.	**2015**	$85,003
Cabrera	13-04794	MCAD	MCAD 12SPA01934	lack of probable cause	2016	0
Jamison	13-05232	Federal	3:13-CV-30161	settled	2016	$9,000
Iglesias	13-05379	Federal	3:14-CV-30067	settled	2016	$18,500
Cruz	14-06242	Federal	3:15-CV-30058	settled	**2016**	$36,250
Wilhite	14-06105	Federal	3:14-CV-30023	settled	**2017**	$1,400,000
Douglas	15-06778	Federal	3:14-CV-30210	settled	2017	$45,000
PENDING CASES						
Schand	15-06817	Federal	3:15-CV-30148	pending	pending	
Hutchins	16-07218	Federal	3:16-CV-30008	pending	pending	
Cartagena, Jesus	16-07028	Federal	3:16-CV-30134	pending	pending	
Cartagena, Erica	17-07605	Federal	3:16-CV-30133	pending	pending	
Montel	14-05687	Federal	3:16-CV-30135	pending	pending	
Gunter	17-07805	Federal	3:16-CV-30183	pending	pending	
Ramos	17-08351	Federal	3:17-CV-30050	pending	pending	
Brown, Le'Keisha	17-08391	Federal	3:17-CV-3003	pending	pending	
Rivera, Jose	18-08601	Federal	3:17-CV-30083	pending	pending	
					TOTAL	$ 3,931,153.00

APPENDIX 3
Executive Order
Effective April 1, 2016

Copy attached