

# **Assessment of the Springfield, Massachusetts Police Department**

## **Executive Summary**



**POLICE EXECUTIVE  
RESEARCH FORUM**

**April 2019**

## Executive Summary

In April 2018, the city of Springfield contracted with the Police Executive Research Forum (PERF) to conduct a review of the Springfield Police Department's internal investigations processes and several related matters. This review includes the following components:

1. **A review of SPD's Internal Investigations Unit.** Specifically, PERF was asked to compare SPD's standards and practices to a set of national guidelines produced by the U.S. Department of Justice in 2008.<sup>1</sup>
2. **A review of Springfield's Community Police Hearing Board.** This board was created in 2010 in order to increase community input in the Police Department's handling of complaints against officers.
3. **Recommendations for computer software systems to manage Internal Affairs and Early Intervention System cases.** In addition to improving the handling of citizen complaints, automated data collection is essential to development of an Early Intervention System (EIS). Many police departments nationwide have created an EIS, which monitors indicators of potential problems with officers' behavior, such as multiple traffic accidents, excessive use of sick leave, community complaints, etc. The purpose of an EIS is to provide early detection of relatively minor issues with an officer's performance, so supervisors can determine whether there is a need for counseling or retraining of the officer, in order to prevent minor issues from escalating to the level of significant misconduct.
4. **Other findings and recommendations.**

This report presents PERF's findings and recommendations resulting from the study, summarized below:

### 1. Review of SPD's Internal Investigations Unit



**Note:** For this component of PERF's study, PERF was asked to compare SPD's internal affairs standards and practices to national standards.<sup>2</sup> PERF was not tasked with reviewing case files of internal affairs investigations; rather, PERF was asked to compare SPD's internal affairs policies and practices with a set of model guidelines that were developed by the U.S. Department of Justice, in order to determine whether SPD policies and practices are consistent with national best practices. *The*

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<sup>1</sup> "Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice." DOJ Office of Community Oriented Policing Services. <http://ric-zai-inc.com/Publications/cops-p164-pub.pdf>.

<sup>2</sup> Ibid.

numerical references and headings in this report, such as “1.0 Intake” below, refer to the COPS Office recommendations.

**This Executive Summary highlights some of the most significant issues and COPS Office guidelines. A more complete analysis is contained in the text of this report.**

## 1.0 Intake

### 1.1 What a complaint is and who may file one

This COPS guideline states that “every complaint from the public [must] be received and evaluated,” adding that “Because complaints can literally be anything from irrational statements to clear reports of criminal corruption, intelligent evaluation of each complaint at intake is crucial.”

**Findings:** In accordance with the COPS guidelines, SPD requires that every complaint from the public be accepted and evaluated. However, PERF’s review revealed that SPD does not currently have an agency-wide *policy* governing how complaints are received and investigated.

- **Recommendation:** SPD should create a department-wide policy outlining the process for receiving and investigating complaints, from intake to final disposition. The policy should clearly define the roles and responsibilities of various members of the agency when handling a complaint, including how to receive and process a complaint, who is responsible for investigating the complaint, and the process by which various types of complaints are investigated and adjudicated.

### 1.2 How a complaint can be transmitted and what forms it can take

This COPS guideline provides that complaints should be accepted orally, in writing, or other means “without unnecessary burden,” and states that “the public has a reasonable expectation that an agency presented with a complaint will act in good faith to accept it.”

**Findings:** SPD’s process by which a complaint of officer misconduct can be generated is fairly comprehensive. However, these practices are not currently reflected in policy.

- **Recommendation:** SPD should list the various methods by which a complaint can be generated in the Complaint Reception and Investigation policy described in section 1.1 above.

### 1.4 Availability of complaint forms or other means of filing complaints

The guideline calls on agencies to accept complaints in a variety of formats, such as online or at police facilities, and provides that police “should accommodate all languages spoken by a substantial proportion of residents of the region.”

**Findings:** Consistent with COPS guidelines, complaint forms are readily accessible at all SPD facilities. These instructions are also available on SPD’s website, and are provided in both English and Spanish.

- **Recommendation:** SPD should create an electronic version of the complaint form that can be completed and submitted online via the department website.
- **Recommendation:** In addition to providing instructions on the agency website, SPD should also ensure there is signage in both English and Spanish at each patrol station informing community members of how to file a complaint.

### 1.5 Dissuading complainants

This COPS guideline states that a complaint process “should not discourage, dishearten, or intimidate complainants or give them cause for fear.”

**Findings:** PERF interviews of Springfield police personnel found that first-line supervisors and mid-level managers at SPD could benefit from additional training with regard to accepting complaints.

- **Recommendation:** SPD’s Complaint Reception and Investigation policy should specify that agency personnel should not discourage individuals from filing a complaint. The policy should also state that employees who in bad faith attempt to dissuade a complainant from filing a complaint will be subject to discipline.
- **Recommendation:** SPD’s Internal Investigations Unit should develop training on the importance of appropriately receiving and documenting complaints.

### 1.6 Tracking complaints

This guideline states that “every complaint should be tracked through final disposition.”

**Findings:** SPD’s current system to document and track complaints consists of a Microsoft Access database maintained by the IIU. SPD is not currently using any software specific to Internal Affairs.

- **Recommendation:** SPD should adopt a case management system designed to track complaints and investigations against personnel, and to provide the agency with automated alerts regarding officers who may be in need of counseling, coaching, or training. An Early Intervention System (EIS) case management software system will allow complaints to be documented by patrol supervisors and tracked throughout the investigation process. Section III of this report (p. 53-65) provides information on developing and implementing an EIS.

### 1.7 Complaint acknowledgments

This COPS guideline provides that complainants should receive a written acknowledgment of their complaint, with a reference number, a synopsis of the complaint, and the identity and contact information for the investigator or other responsible person.

**Findings:** Currently, SPD IIU investigators send a confirmation letter to complainants and follow up via phone to acknowledge a complaint. However, PERF learned that community members have sometimes expressed frustration over not being regularly updated about the status of their complaints.

- **Recommendation:** SPD should adopt protocols to provide regular notifications to complainants with updates on the investigation.

### 1.8 Auditing complaint intake

This guideline states that police agencies “should conduct regular audits to verify that complaints are being taken properly and to ensure that all employees are adhering to agency rules and standards.”

**Findings:** There is currently no mechanism at SPD to conduct regular audits to verify that complaints are being properly handled.

- **Recommendation:** SPD should establish an inspections unit that would be responsible for conducting routine checks of the complaint investigative process. This unit could also be utilized

by the Commissioner to inspect or audit all aspects of the agency. See page 71-72 for recommendations on creating a staff inspections component.

## *2.0 Classification of Complaints*

### *2.4 Holding administrative complaints in abeyance during criminal proceedings*

This guideline states that every police agency “should create a protocol for determining how to proceed with an administrative complaint while a criminal case based on the same facts is pending.”

Administrative hearings are often held in abeyance in order to avoid interference with a criminal investigation. However, the COPS guidelines notes that “the time delay has a negative impact on the memory and availability of witnesses” for the administrative investigation. “Moreover, a lengthy delay undermines public trust.”

**Findings:** SPD currently has protocols in place to hold administrative investigations in abeyance until the criminal proceedings are complete. This is a good practice and ensures that compelled statements from the administrative investigation do not taint the criminal investigation.

However, waiting for the completion of a criminal investigation can unnecessarily delay the department in discharging an employee in cases where an administrative investigation would likely result in termination. In these cases, SPD should attempt to move the administrative investigation forward even while the criminal investigation is pending.

- **Recommendation:** In cases where a violation is so egregious that it would likely result in termination of the officer, SPD should consider moving forward with the administrative investigation immediately, even while the criminal investigation is in progress.

## *3.0 Investigation*

### *3.1 “Complete investigation” defined*

This COPS guideline details the differences between a preliminary investigation, which determines whether a complaint should be investigated further, and a complete investigation, which “includes all relevant information required to achieve the purpose of the inquiry.”

**Findings:** SPD is in compliance with this guideline. SPD fully understands the requirements of a thorough internal affairs investigation, and any decision not to proceed with a complete investigation is made by the Internal Investigations Unit Lieutenant or another senior department leader.

- **Recommendation:** If a complaint is vague or there is not enough information for a thorough investigation, SPD should conduct an “Administrative Inquiry” to determine whether the case can be investigated as either a Preliminary Investigation of Employee (PIE) for less serious allegations or a Special Order (SO) for more serious complaints. If the Commissioner finds that there is not enough information about the complaint, the case can be referred back to the IIU for follow-up. If it is determined from the administrative inquiry that the case does not need to be investigated further, the case can be closed. However, the results of the administrative inquiry should still be documented in the IIU case management system.

### 3.5 Cases Internal affairs should relegate

This guideline provides that less serious allegations of misconduct can be investigated at the unit level rather than by an Internal Affairs bureau.

**Findings:** In the Springfield Police Department, less serious allegations of misconduct are typically classified as a Preliminary Investigation of Employee (PIE) and are investigated by the accused officer's chain of command. This practice is generally consistent with the COPS Office guideline. However, there appeared to be little understanding by supervisors about how to handle a PIE investigation, because there is no standard protocol or consistent training to investigate these complaints.

- **Recommendation:** SPD should develop clear procedures for the investigation of PIEs and should provide training to all officers at the sergeant level and above who handle these investigations. These procedures should also be documented in policy.
- **Recommendation:** Although not all complaints are formally investigated by the IIU, the IIU Lieutenant should be aware of and should provide some oversight of all citizen complaints and internal complaints handled by SPD. Investigations that are designated as PIEs should be reviewed and tracked by the IIU lieutenant to ensure they are being properly handled.

### 3.8 Electronic recordings of interviews

This COPS Office guideline states that electronic recording of statements by accused employees and witnesses "is the best way to avoid interpretive errors in recounting statements."

**Findings:** SPD does not currently use any type of audio or electronic recording for its interviews.

- **Recommendation:** SPD should audio-record all administrative interviews with accused and witness officers. If the complaint moves to a formal hearing, the agency can transcribe the interview so the officer's testimony will be available in written form. Investigators should also audio-record interviews of other witnesses if practicable. If interviews are recorded and transcribed, there will be no need for the accused officer to write a departmental report, as the interview notes and transcript can serve as the officer's statement.
  - **Note:** In discussions with SPD regarding this recommendation, staff members expressed a potential concern about whether audio-recording during the interview process would be impacted by Massachusetts' two-party consent laws. However, if SPD policy states that administrative interviews are to be audio-recorded, any refusal by an officer to conduct the interview would be a violation of departmental policy, given that officers are compelled to provide a statement during an administrative investigation. SPD should inform officers that they will be required to participate in an audio-recorded interview, and that they could face additional administrative charges if they refuse to participate. The Massachusetts State Police currently audio-records internal affairs interviews, and SPD can consider contacting Massachusetts State Police Internal Affairs for additional insight on audio-recording interviews.
- **Recommendation:** After reviewing a case and conducting enough of an investigation to interview the accused officer, IIU investigators should send a letter notifying the accused officer of the allegations. The letter should set a time and place for the interview, advise the officer about who they may have present with them for the interview, inform the officer that the interview will be audio-recorded, and outline any other applicable protocols.

### 3.9 Standards of investigative report quality

This COPS guideline states that “the documentation of investigations must be thorough, complete, and as comprehensive as reasonably necessary. Using standardized forms or formats helps in quality control....”

**Findings:** Based on PERF’s observations, the reports generated by SPD’s IIU investigators appear to be in compliance with the COPS guideline. SPD’s IIU uses a standardized format to document Special Order investigations. However, PIE investigative files may not consistently follow that format.

- **Recommendation:** All investigative reports, including those for investigations conducted in the field as PIEs, should be reviewed by the IIU lieutenant to ensure consistency and thoroughness.
- **Recommendation:** The IIU should develop a checklist outlining the components of a high-quality internal affairs report. The checklist should be utilized by sergeants or other supervisors who are conducting PIE investigations.

### 3.11 Agencies should consider using Compliance Audits

This guideline recommends compliance audits, which are “live tests to determine whether policies are being followed. For example, a Compliance Audit of an agency’s policy to document all complaints could be done by having someone call in a complaint, and later see if the complaint was documented.”

**Findings:** SPD does not currently conduct compliance audits of its complaint system.

- **Recommendation:** As discussed in section 1.8, SPD could consider establishing a staff inspections unit that would be responsible for handling audits. In addition to these compliance audits, the unit could conduct quality assurance inspections of all aspects of the agency. See Section IV, p. 71-72 for specific recommendations on establishing a staff inspections unit.

### 3.12 Response to, and review of, lethal-force investigations

This COPS Office guideline calls for an immediate response to the scene and investigation of all officer-involved shootings, in-custody deaths, and serious uses of force (as defined by the agency). An administrative review, regardless of whether there is any complaint, can help an agency identify changes in policy, procedures, training, or equipment that could improve the agency’s response to similar incidents in the future.

**Findings:** SPD responds to the scene of any critical incident and initiates an investigation by the appropriate unit. Any officer-involved shooting or in-custody death is investigated by both the IIU and the Major Crimes Bureau. The IIU identifies any tactical issues in its report, and it is up to the officer’s chain of command to acknowledge and address these issues.

While SPD is following good practices for providing immediate investigative review of critical incidents, SPD does not currently utilize a review board to critically analyze use-of-force incidents.

- **Recommendation:** PERF recommends conducting a formal review of all officer-involved shootings, in-custody deaths, hospitalizations of prisoners, and serious use-of-force incidents (electronic control weapon, baton, OC spray), by establishing a performance review board. The formal review of these incidents, conducted as a matter of course, will provide valuable opportunities to identify lessons for training, gaps in tactics, any need for additional equipment to be provided to officers, or any need for policy changes, regardless of whether the incident involved any misconduct.

(Such review boards function similarly to how the National Transportation Safety Board thoroughly investigates every civil aviation accident in order to identify any changes in practices that could help to prevent future accidents.)

### 3.13 Lethal-force investigations: interviews and evidence

This COPS Office guidelines states that “the process of investigating an agency member’s use of lethal force requires an extraordinary degree of attention to capturing and recording the statements of each participant and witness independently, accurately, and as soon as conditions allow.”

**Findings:** SPD personnel advised PERF that it is current practice to separate witness officers after a lethal-force incident and to prevent them from discussing the incident until conclusion of the investigation. However, this practice is not formalized in policy.

- **Recommendation:** After a lethal-force incident, investigators must ensure that witness officers are separated as soon as possible, and members of SPD should be ordered not to discuss the incident until after all interviews have been concluded. This requirement should be stated in SPD policy.

## 4.0 Mediation, Adjudication, and Disposition

### 4.1 The four basic resolution categories

This COPS Office guideline provides that “the findings in completed investigations should result in one of four resolutions: 1. sustained or founded; 2. not sustained or not resolved or unresolved; 3. exonerated; or 4. unfounded.”

**Findings:** SPD utilizes the four resolution categories outlined in the COPS guidelines, and IIU investigators have a good understanding of the various dispositions. However, it appears that SPD’s Community Police Hearing Board (CPHB) does not have the same understanding or has not historically used the same terms and categories. Due to a lack of familiarity with these terms, there may also be confusion in areas of SPD other than the IIU about the consistent use of these resolution categories.

- **Recommendation:** These four dispositions and their proper usage should be clearly defined in policy to ensure that everyone in the department, as well as the CPHB, thoroughly understands them. SPD should institute training for all supervisors to ensure there is consistency with regard to how to close a case and how to determine findings based on these four categories. The CPHB should also receive training on these terms and their appropriate usage.

### 4.3 Proposed reporting relationship of the head of Internal Affairs

This COPS Office guideline states that “the head of Internal Affairs should preferably report directly to the agency head.”

**Findings:** SPD’s IIU is currently comprised of three sergeants and one lieutenant. The lieutenant reports to a captain, who in turn reports directly to the Commissioner. There is no deputy chief in the command chain, and no one in IIU has a direct line of access to the Commissioner.

- **Recommendation:** SPD should establish a direct line of communication from the IIU Lieutenant to the Commissioner, and communication should occur on a regular basis. This would provide consistency in how these cases are handled, without the need for an additional level of review.



#### 4.4 Standards for adjudication

This COPS standard provides detailed guidance on minimum standards for adjudicating disciplinary cases, including the following:

1. The burden of proof is on the agency.
2. The standard of proof is a preponderance of the evidence.
3. The standards of evidence are those of administrative law, not criminal law.
4. No presumptions of truth are made regarding facts in dispute.
5. No presumptions are made regarding witness credibility: all persons are equally credible unless an objective, fact-based evaluation of the witness's capacities, testimonial coherence, and other relevant and demonstrable factors justify otherwise.
6. Conclusions are logically deduced from the evidence.

**Findings:** SPD personnel told PERF that due to a lack of consistent and clear agency policy, adjudication decisions can sometimes be a challenge at SPD. The agency currently has various policies and memos that set forth administrative rules, but officers have no clear rules governing their conduct. In addition, PERF learned that when an accused officer's chain of command receives the investigative file to make a preliminary finding, there are currently no specific charges or policy violations listed, making it difficult to make decisions regarding adjudication.

- **Recommendation:** SPD should review and develop a revised set of policies and procedures for officer conduct and establish a dedicated in-service training program to explain the policies and procedures.<sup>3</sup> The agency should train all personnel in the captain rank and above who are responsible for recommending adjudication of these cases, to ensure there is a clear and consistent understanding of how to make these decisions.
- **Recommendation:** SPD should revamp its process so that when the investigative file is sent to the accused officer's command chain for review, the file describes the potential departmental violations and provides clear definitions of the various disposition categories (sustained, not sustained, unfounded, and exonerated). The applicable charges and violations should be included in a cover memo with the investigative file to assist reviewers with determining the disposition.
  - **SPD Action Taken:** SPD is already in the process of updating this cover memo to ensure that it contains applicable charges and policy violations. This will allow each reviewer (captain, deputy chief, and hearing board) to document their preliminary finding so that the Police Commissioner can review their input on each charge when making a determination regarding case disposition.
- **Recommendation:** The IIU Lieutenant should provide commanding officers with training on what departmental charges would apply in various situations, and an understanding of the potential findings of an investigation.

#### 4.5 Penalty assessment and the use of a penalty matrix

This COPS Office guideline recommends the use of a "penalty matrix" that lists penalties or ranges of discipline for various types of misconduct. A matrix can help ensure that discipline is fair, consistent,

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<sup>3</sup> PERF is currently working with SPD to review its policies and procedures to ensure certification with the Massachusetts Police Accreditation Committee (MPAC). As part of this project, PERF will identify other state police practices for SPD to use as a guide when developing policy.

and predictable. The guideline provides that a matrix “should not be applied inflexibly,” and the discipline should be based on the totality of the circumstances, including aggravating and mitigating factors.

**Findings:** In the SPD, the IIU currently provides historical information to the Commissioner regarding prior penalties for specific types of offenses in a given case, and these are considered when determining discipline. SPD is currently examining the use of a matrix system to ensure that disciplinary action is consistent with prior practices.

- **Recommendation:** SPD should develop a matrix system to ensure that disciplinary action is fair and consistent. See Appendices A and B for samples of matrix systems used in Madison, WI, and Austin, TX, Police Departments.

#### 4.6 The advantages of mediation and the conditions of its use

The COPS guideline states that “voluntary mediation conducted by a neutral facilitator, in lieu of investigation and adjudication, permits resolution of minor complaints that are usually not easily resolved through investigation.”

**Findings:** SPD does not currently have a mediation program in place.

- **Recommendation:** SPD should adopt a mediation process to resolve minor complaints and strengthen police-community relations. To be effective, mediation should only be an alternative for less serious complaints, and officers should be limited in the number of complaints eligible for mediation over a specific period. Mediation sessions must be led by a formally trained mediator.<sup>4</sup>

#### 4.9 Keeping investigations confidential

This guideline states that “internal affairs investigations should be closed to the officer and the public [while they are pending]. Nonetheless, the agency head should be fully informed of the progress of internal investigations and should regularly communicate the status of an investigation to the press and general public to the full extent permitted by law.”

**Findings:** SPD personnel advised PERF that the department currently has no confidentiality requirement for internal affairs investigations. It is important that investigations be kept confidential in order to preserve the rights of the accused officer during the course of an internal affairs investigation.

- **Recommendation:** Witnesses and witness officers interviewed in an internal affairs investigation should be informed that the investigation is confidential in nature, and that they must not discuss the content of the investigation or interview with others.
- **Recommendation:** SPD should institute clear policy and protocols governing confidentiality of internal affairs investigations. The agency should cite this policy during interviews and inform officers that if they do not maintain confidentiality, they may be charged with a departmental violation.

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<sup>4</sup> Jack McDevitt and Amy Farrell (2007), *Enhancing Community Review of the Springfield Police Department*

#### 4.10 Guidelines for selecting and retaining Internal Affairs investigators

This guideline provides that “to make certain that Internal Affairs units benefit from high-quality and experienced employees, agencies should consider utilizing promotional policies that recognize service in Internal Affairs as productive and useful for advancing an officer’s career.... Tours in Internal Affairs should be limited to fixed terms.”

**Findings:** The individuals in SPD’s IIU are handpicked by their commanding officers and approved by the Police Commissioner. In accordance with COPS guidelines, SPD generally selects officers with prior investigative experience, and all of the investigators in the IIU are sergeants. However, SPD does not have any fixed term for how long officers are assigned to the IIU.

- **Recommendation:** SPD should consider imposing a set term that an officer may serve in the IIU. Three to five years could be a general guideline. Implementing such a guideline would ensure that investigators do not develop biases or become emotionally drained after extended assignments. Importantly, assignments to the unit should be staggered to ensure that the unit has experienced investigators at all times.

## 2. A Review of Springfield’s Community Police Hearing Board

**Findings:** Springfield’s Community Police Hearing Board (CPHB) was created in 2010 to provide civilian input into the investigation of citizen complaints by SPD.

After a complaint has been investigated by the IIU or the officer’s chain of command, but before any recommendation has been made regarding charges or alleged policy violations, the CPHB reviews the results of the investigation. The CPHB may decide that further investigation is needed, and send the case back to the IIU.

If the CPHB considers the complaint to be legitimate, it may hold a public hearing in which the city’s Law Department presents the case against the officer, and the accused officer’s lawyer defends the case. Both sides can present evidence and call witnesses. The CPHB then makes its recommendations for sustaining or not sustaining each allegation of misconduct. The Police Commissioner makes the final determination regarding the charges and any discipline to be imposed.

The CPHB is a valuable mechanism to provide accountability regarding the Police Department’s handling of complaints. However, it appears that board members could benefit from additional training on fairly judging police conduct. PERF observed that there are no formal protocols for the process followed by the board, and board members do not receive adequate training on how to execute their role.

Furthermore, when the board reviews an investigation for purposes of determining whether it will proceed to a hearing, board members do not have any information detailing the alleged policy violations or an initial assessment by experienced police officials of the conduct in question.

- **Recommendation:** The CPHB should be comprised of nine or ten members, three of whom should be former law enforcement investigators with relevant police experience. The chair of the board should be a retired judge or a respected attorney with trial experience. The board should sit in panels of three designated members, one of whom is a retired law enforcement

officer, to review the investigative file, applicable charges, and command chain preliminary determination and analysis.<sup>5</sup>

- **Recommendation:** The city of Springfield should appoint a Civilian Oversight Coordinator (COC) who would be responsible for the day-to-day administration of the CPHB, such as scheduling board meetings and following up on board requests. The COC would serve as the liaison between the board and other officials, including the Mayor, the Law Department, and representatives from SPD.<sup>6</sup> The Coordinator also would participate in the initial CPHB review.
- **Recommendation:** A three-member panel of board members, as well as the Civilian Oversight Coordinator, should meet every two weeks to review new cases. Each of these panels should have at least one member with prior law enforcement experience.
- **Recommendation:** On a yearly basis, all members of the CPHB should meet to review SPD policy and procedures that may contribute to police misconduct and recommendations for improvement. The CPHB should be empowered to recommend changes in policy or training to reduce officer misconduct.
- **Recommendation:** The city of Springfield should develop a clear mission statement for the board with clear written procedures to follow, and SPD should provide in-depth training for the CPHB on these protocols.
- **Recommendation:** At the completion of the IIU investigation and prior to an initial review by the Community Police Hearing Board, the IIU, in conjunction with attorneys from Labor Relations, should issue a cover memo detailing the applicable charges based on the allegations and the investigation. The applicable charges and the investigative file should then be provided to the accused officer's command chain for review. The officer's chain of command should then make a preliminary determination and provide a written analysis in support of that determination. The investigative file, cover memo, and chain of command preliminary determination and analysis should then be provided to the board for the initial review.
- **Recommendation:** The three-member panel should make a recommendation to the Commissioner regarding a determination for each applicable charge. The CPHB should use the same case dispositions as defined by IIU: sustained, not sustained, exonerated, and unfounded. A formal charge letter should be provided to the accused officer after the Commissioner makes a final determination. If, after the charge letter has been issued to the accused officer, the officer does not dispute the charges, there should be no reason to proceed with the full hearing. If the officer does not dispute the charges, the CPHB should make a recommendation regarding discipline, and then the case should go directly to the Commissioner to make a final decision regarding discipline.

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<sup>5</sup> If the board is comprised of nine members, the chair could also serve as a member of one of the three-member panels. If the board is comprised of ten members, the chair would not have to serve on one of the three-member panels.

<sup>6</sup> Jack McDevitt and Amy Farrell (2007), *Enhancing Community Review of the Springfield Police Department*

- **Recommendation:** The CPHB should be required to draft a written opinion following the hearing that clearly details its findings of fact and conclusions based on the relevant legal standards.

### *Oversight, Accountability, and Citizen Involvement*

In the past, the City of Springfield utilized a Board of Police Commissioners to manage and control the police department. In 2005, a state-run financial control board dissolved the Board of Police Commissioners and created the single position of Police Commissioner. The Police Commissioner is appointed by the mayor and has complete authority over the police department.

PERF is aware that the Springfield City Council has voted to establish a new civilian police commission that would have authority over key issues such as hiring, firing, disciplining officers, and policy development.

Advocates of a civilian board of police commissioners argue that a board would provide a higher level of civilian oversight of the police department in Springfield. However, Springfield's Community Police Hearing Board already has the authority to review citizen complaints, make recommendations, and conduct hearings regarding the complaints.

A number of cities across the nation have Boards of Police Commissioners that provide general oversight of police departments. This can be a worthwhile method of providing civilian input into major decisions about a city's approach to controversial issues, such as the role of the police in immigration enforcement. However, under the legislation approved by the Springfield City Council, the Board of Police Commissioners would have far greater authority to run key aspects of the Police Department on a day-to-day basis, including "the appointment, management, and control of the members and employees of the Police Department," as well as "the regulation, government, and discipline of such members and employees," and all "rules and regulations for the government and discipline of the Police Department."

PERF believes that this system would be impractical to the daily running of the department, particularly considering the fact that police chiefs make important decisions about critical incidents on a daily basis, but the legislation approved in Springfield would require only that the Board of Police Commissioners meet "at least once a month."

PERF believes that the current system with a police commissioner appointed by the mayor is preferable to reinstating a Board of Police Commissioners. Unlike a board of civilian commissioners, a police commissioner is directly responsible for the daily work of the Police Department and can be held accountable for actions taken by the Police Department. A five-member board of civilians could result in *less* accountability, because no one person could be held responsible for police operations.

PERF believes that SPD needs two kinds of oversight – citizens providing input, and an executive who has the responsibility and authority to hold members of the Police Department accountable. Citizen input can be provided through Springfield's existing Community Police Hearing Board. And accountability can be provided by a strong Police Commissioner who retains responsibility for hiring, firing, discipline, and policy and procedures.

- **Recommendation:** The City of Springfield should maintain the management system currently in place in the police department, utilizing a sole police commissioner who has the experience, education, skills, and authority necessary to lead and manage a police agency, with civilian input provided by the Community Police Hearing Board.

### 3. Computer Software Systems to Manage Internal Affairs and Early Intervention System Cases.

The use of Early Intervention Systems (EIS), especially for large and medium-size police agencies, has emerged as a widespread practice in police personnel management. The underlying concept of an EIS is that serious incidents of police officer misconduct often do not erupt unexpectedly. Rather, such significant events are often preceded by a number of minor past incidents or concerning patterns of behavior. An EIS is designed to help agencies detect these potential areas of concern and address them through training, counseling, or other non-punitive measures before more serious misconduct occurs.

SPD currently does not have an Early Intervention System (EIS). However, SPD leaders understand and acknowledge the need for a more comprehensive approach to early intervention.

SPD leaders will need to consider several factors as they develop a comprehensive EIS. An EIS requires computer systems that can automatically track a range of factors that may be indicators of problematic behavior, such as uses of force by an officer, citizen complaints against the officer, any lawsuits citing the officer, excessive use of sick leave, disciplinary actions against the officer, and issues cited in the officer's performance evaluations. An EIS may track as few as a half-dozen indicators or as many as 20 or more indicators.<sup>7</sup>

- **Recommendation:** SPD should continue to research best practices and consult with vendors to learn about different Internal Affairs software programs. Computer systems that track internal affairs cases can also track other factors used in an EIS.

PERF has provided SPD with information on the benefits of EIS, as well as how to build agency support for EIS, design an EIS, and implement the EIS.

### 4. Other Findings and Recommendations

PERF identified the following additional areas for improvement:

- **Recommendation:** SPD should develop a Standard Operating Procedures manual specific to the IIU, so that the unit will have a clear understanding of all internal affairs processes and operations. This document should clearly outline the role of the IIU lieutenant, sergeants, and administrative personnel; timelines of how a case should proceed; what forms should be used, and other relevant processes.

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<sup>7</sup> See *Civil Rights Investigations of Local Police: Lessons Learned*. Police Executive Research Forum (2013). Pp. 16-18.

- **Recommendation:** SPD should ensure that all newly-assigned IIU investigators are sent to a specialized, reputable internal affairs school or program within their first six months of assignment. SPD could consider contacting the National Internal Affairs Investigators Association<sup>8</sup> for information on training opportunities, including the organization's yearly conferences.
  
- **Recommendation:** SPD should develop an in-house training program specific to the investigation of officer misconduct that all supervisors responsible for investigating complaints must attend. Sergeants should receive annual refresher training on the complaint investigative process, and new sergeants should receive training on the process upon promotion.
  
- **Recommendation:** SPD should provide training in connection with any policy changes or updates that are implemented within the agency. These trainings should be done through roll calls, informal briefings, or regularly scheduled in-service training sessions.
  
- **Recommendation:** SPD should develop policy stating that when an officer is being interviewed during an investigation or at a CPHB hearing, the accused officer should not be carrying a firearm. The accused officer's firearm should be secured during these meetings, and this should be stated in the letter that is sent to the officer, notifying the officer about the complaint.
  
- **Recommendation:** SPD should establish a staff inspections unit to conduct quality assurance inspections of all aspects of the agency. Administrative inspections of each SPD component should occur at least every three years or as required by the Police Commissioner.
 

Inspections would examine areas such as SPD facilities, administration, files, information systems, personnel, operations, and reporting practices. In addition, the staff inspections unit could conduct audits of complaint intake to verify that complaints are being taken properly, or compliance audits to determine whether agency policies regarding documentation of complaints are being properly followed.

PERF is working with SPD to review its policies and procedures to ensure certification with the Massachusetts Police Accreditation Committee (MPAC). If SPD were to establish a staff inspections unit, this unit could oversee the accreditation process.

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<sup>8</sup> <https://www.niaia.org/resources>

## Conclusion

The Springfield Police Department (SPD) is at a critical juncture. In April 2018, the U.S. Department of Justice's Civil Rights Division launched an investigation of whether there is a "pattern or practice" of excessive use of force in the department. In October, federal prosecutors announced indictments against a current officer and a former officer for allegedly violating the civil rights of arrestees in a 2016 incident. In February 2019, the Massachusetts Attorney General's Office charged five officers with assault and other offenses in a 2015 incident. And the Springfield City Council is in the midst of a dispute with the Mayor about whether the council has the legal authority to create a civilian police commission to oversee key functions of the Police Department, including the hiring, firing, and disciplining of officers and the writing of department policies and procedures.

As part of an effort by city leaders to undertake reforms of the Police Department, the Police Executive Research Forum (PERF) in 2018 was asked to conduct a review of the SPD's internal affairs policies and practices. **PERF was not tasked with reviewing case files of internal affairs investigations; rather, PERF was asked to compare SPD's internal affairs policies and practices with a set of model guidelines that were developed by the U.S. Department of Justice, in order to determine whether SPD policies and practices are consistent with national best practices.** Many of these internal affairs policies and practices are about ensuring that the Police Department thoroughly and fairly investigates all complaints from community members about police actions.

PERF also was tasked with reviewing the effectiveness of the current Community Police Hearing Board, which provides a role for the community in reviewing citizen complaints about the police.

In commissioning PERF's review of the Police Department, Springfield city leaders have demonstrated a desire to strengthen community trust in the police and to update the Police Department's policies and practices. The Police Department has already begun to make a number of reforms that are consistent with recommendations in this report, and has expressed an eagerness to receive PERF's report so it can move forward with other recommendations.

**Internal affairs policies and practices:** As detailed in this report, PERF found that in large measure, SPD's internal affairs *practices* are in compliance with the DOJ best practices guidebook. However, SPD can benefit from establishing clear, written *policies and procedures* governing the complaint investigative process. SPD also should conduct *training* to ensure that all members of the department are adequately prepared to handle complaints in a uniform way.

PERF also identified several opportunities to improve the structure of the Police Department's Internal Investigations Unit (IIU). For example, SPD should establish a direct line of communication from the IIU lieutenant to the Police Commissioner, to ensure the unit has unrestricted and prompt access to the agency head. SPD should also consider imposing a set term that an officer may serve in the IIU. This will prevent investigators from becoming emotionally drained and will allow multiple officers throughout the agency to gain experience in the unit.

**Community Police Hearing Board:** Regarding the Community Police Hearing Board, PERF found that the Board is a valuable mechanism that provides a role for the community in the investigation of citizen complaints. However, PERF's review revealed that board members could benefit from additional



training on their role and law enforcement operations. PERF recommends that at least three members of the CPHB be former law enforcement investigators, so there will be representatives with police experience present during all phases of the review process. The chair of the board should be a retired judge or respected attorney with trial experience.

PERF also recommends that the City of Springfield develop a clear mission statement for the board, with clear written procedures governing each stage of the process. PERF also recommended certain changes in the “process map” (see page 70) defining how various types of investigations move back and forth between SPD investigators, the CPHB, and the Police Commissioner.

**Automated data collection and creating an Early Intervention System:** PERF recommends that SPD develop an automated case management system that will document every complaint received by the Police Department and the outcome of the investigation of each complaint. Many police agencies nationwide have such computer systems – not only to track citizen complaints, but also for the broader purpose of creating an Early Intervention System (EIS) that can provide the department with automated alerts about possible problems with an officer’s behavior. An EIS is designed to detect issues of concern early, before they can worsen to the level of serious misconduct. EIS systems can track a dozen or more indicators, such as uses of force by an officer, citizen complaints, any lawsuits citing the officer, excessive use of sick leave, disciplinary actions against the officer, traffic accidents involving the officer, etc.

An EIS could help SPD to identify potential areas of concern in officer behavior and address them through training, counseling, or other non-punitive measures before serious misconduct occurs. PERF provided information to SPD on how an EIS works, the benefits of EIS, how to build support for EIS among agency leaders and personnel, as well as how to design and implement an EIS.

**Oversight, Accountability, and Citizen Involvement:** PERF is aware that the Springfield City Council has voted to establish a new civilian police commission that would have authority over key issues such as hiring, firing, and disciplining of officers and writing policies and procedures for all police operations.

Advocates of a civilian board of police commissioners argue that a board would provide a higher level of civilian oversight of the police department in Springfield. However, Springfield’s Community Police Hearing Board already has the authority to review citizen complaints, make recommendations, and conduct hearings regarding the complaints.

A number of cities across the nation have Boards of Police Commissioners that provide general oversight of police departments. This can be a worthwhile method of providing civilian input into major decisions about a city’s approach to controversial issues, such as the role of the police in immigration enforcement. However, under the legislation approved by the Springfield City Council, the Board of Police Commissioners would have far greater authority to run key aspects of the Police Department on a day-to-day basis, including “the appointment, management, and control of the members and employees of the Police Department,” as well as “the regulation, government, and discipline of such members and employees,” and all “rules and regulations for the government and discipline of the Police Department.”

PERF is unaware of any Police Department operating under such a system, and believes that this system would be unworkable, particularly considering the fact that police chiefs make important decisions

about critical incidents on a daily basis, but the legislation approved in Springfield would require only that the Board of Police Commissioners meet “at least once a month.”

Furthermore, unlike a board of civilian commissioners, a police commissioner is directly responsible for the daily work of the Police Department and can be held accountable for actions taken by the Police Department. **A five-member board of civilians could result in less accountability, because no one person could be held responsible for police operations.**

In any situation in which a critical incident might be handled poorly or result in a bad outcome, it would be unclear who should be held accountable – the chief executive of the Police Department, or one or more of the members of the Board of Police Commissioners. It is impossible to have accountability if no one is designated to have responsibility for decisions.

**PERF believes that SPD needs two kinds of oversight – citizens providing input, and an executive who has the responsibility and authority to hold members of the Police Department accountable. Citizen input can be provided through Springfield’s existing Community Police Hearing Board. And accountability can be provided by a strong Police Commissioner who retains responsibility for hiring, firing, discipline, and policy and procedures.**

**Looking forward:** The Springfield Police Department is poised to undertake important reforms to improve its internal affairs investigations, to respond more consistently to citizen complaints, and to monitor officers’ performance more closely in order to detect problematic behaviors before they rise to the level of serious misconduct. SPD leaders have expressed a commitment to move forward expeditiously with reform measures. This report is intended to provide a roadmap to implementing improvements in several key areas.