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THE CITY OF SPRINGFIELD, MASSACHUSETTS

December 16, 2020

Tracye Whitfield
City Council
36 Court Street
Springfield, MA 01103

Re: Description of Police Reforms

Dear Councilor Whitfield:

At your request, I have been reviewing the changes being made in the Police Department and this letter is to provide a written description of those reforms to date, given the DOJ Report and Recommendations (“DOJ Report”). These Reforms are ongoing every day, and I would suggest that this report be updated in ninety (90) days to keep you current as changes are implemented.

The recommendations suggested by DOJ and reforms to date are described below:
follows:

1) Enhance reporting and review procedures:

The procurement of a new system is ongoing to purchase a new Records/Information Management System (“RMS” or “IMS”). The new system will alleviate many reporting issues discussed in the Report. The procurement process that is ongoing specifies a system that will incorporate all reports related to the arrest or offense so they are easily trackable. SPD has also required the new system to include an audit capability to track officers’ history regarding offenses and complaints as an early warning system. It is anticipated that the procurement will be completed early in 2021.

With regard to reporting “use of force”, SPD could not identify a large urban department similar in size that has implemented a “use of force” reporting form for every “hands on” incident. The department identified in the DOJ Report only had eight to ten officers in the department such that the

administrative burden associated with the implementation and enforcement of reporting every “hands on” incident that may be used in a small department would be difficult, if not impossible, to efficiently implement here.

However, the utilization of Body Worn Cameras in the Springfield Police Department will allow SPD to implement a more efficient means of reporting and review that most other departments in the Commonwealth do not have. Specifically, a new reporting requirement has been put in place that increases the ability to track any use of force associated with any claim of injury to meet the reporting standards under Massachusetts laws as well as accreditation requirements. When a prisoner is booked, any injury to the suspect is not only reported, but the report is linked to any Body Worn Camera video that is available that is related to the incident. In this manner, the SPD will be able to access and retain the Body Worn Camera footage with those encounters to utilize in the enforcement of proper use of force standards.

2) Adopting a new use of force training.

SPD has upgraded the communications provided during recruit training as well as completing in-service training to strictly regulate any use of a choke hold or any use of force while restraining subjects when striking parts of the body that may cause serious injury. The new Reform Legislation pending in the State Legislature, as well as regulations that will be adopted, will have further impact on this issue. Attorney General Healy recently expressed her concerns about the language. SPD eagerly awaits any reform measures in the final bill these will be implemented accordingly.

The Department also continues to invest in upgraded “Tasers”, which, in the long run, will greatly reduce injuries to subjects and allow officers to gain compliance with little to no lasting effects. SPD is confined by standards and requirements placed on all departments by the Massachusetts Training Council.

Ethical Policing Is Courageous (“EPIC”) is a peer intervention program developed by the New Orleans Police Department, in collaboration with community partners, to promote a culture of high-quality and ethical policing. EPIC educates, empowers, and supports the officers on the streets to play a meaningful role in “policing” one another. EPIC is a peer intervention program that teaches officers how to intervene to stop a wrongful action before it occurs. Springfield Police continues to teach EPIC training and has put in place upgraded measures to link the support provided in the form of mental health and spiritual support from clergy to stop abuses in our policies and procedures immediately.

The police academy is now utilized in the case review process with regard to the use of force. When a question of use of force is at issue in a case review, it is required that academy staff review the matter to apply their expertise and provide opinions as to the appropriateness of the use of force based on the applicable training standards for the use of force to be applied under the circumstances.

3) Review and Revise IIU Policies and Training.

The Springfield Police Department has initiated efforts to implement new IIU new policies, procedures, and training to ensure that civilian complaints are properly taken, and that IIU officers use proper interviewing and investigative techniques in order to conduct meaningful investigations in conjunction with the Police Executive Research Forum (“PERF”) report issued in April 2019. A copy of the Final Report is provided with this letter.

A new policy was initiated at that time and is in the process of being finalized with assistance of the Law Department. It is anticipated that the final version will be issued in early January. While the policy is not in final form, new practices regarding IIU are in the process of being implemented to make sure SPD’s IIU has 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.

Specifically, an on-line complaint mechanism is now available; a training update on conducting investigations has been completed; and the IIU itself has moved to Page Blvd, in a more accessible and safe locations for those reporting issues or being interviewed.

Additionally, quality assurance inspections are being carried out to 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.

In addition, SPD will 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 in accordance with recognized standards and an in-house training program specific to the investigation of officer misconduct that

all supervisors responsible for investigating complaints must attend will be implemented. Sergeants will receive annual refresher training on the complaint investigative process, and new sergeants will receive training on the process upon promotion.

SPD is developing a policy stating that when an officer are being interviewed during an investigation or at a CPHB hearing and notifying the officer about the complaint.

4) **Increase Accountability Mechanisms.**

SPD is in the process of adopting policies and procedures so that officer discipline is meaningful, consistent, and appropriate and is also working to address the fact that administrative charges can be dismissed due to timeliness issues.

In order to address timeliness of administrative charges, a new union contract with police supervisors has been negotiated to extend the deadlines for administrative charges from 90 to 120 days. In addition, the new contract authorizes an ability to utilize a professional assessment center for promotion to the rank of Captain will allow us to get the best possible candidate that not only scores well on a written exam, but can also handle stressful, traumatic situations, public speaking, difficult personnel issues and strong leadership examples. However, that contract has yet to be ratified by the City Council.

A new course for mid-level supervisors is being developed with the assistance of American International College. This course will stress the importance of a supervisor's commitment and participation in assuring all officers are held accountable for their actions.

In April of 2020 PERF provided the City with an evaluation of SPD's policies, procedures, rules, and regulations as compared to the Massachusetts Police Accreditation Commission (MPAC) certification standards. The purpose of this review was to assist SPD as it seeks Certification from the MPAC. SPD hired new personnel and made specific assignments to implement changes in accord with the PERF evaluation. A copy of the PERF evaluation is included with this letter.

To date, several new polices have been issued, and numerous new policies have been drafted and are under review. For example, a new arrest policy has been adopted to ensure that when persons are arrested and taken into police custody, all constitutional and statutory rights to which they are entitled will be provided at the time of their arrest and while in custody thereafter.

Additionally, a policy addressing the training and use of less-lethal weapons and projectiles for combative, non-compliant, armed and/or violent subjects causing handling and control problems, that require special training and equipment, has been adopted to provide guidance and establish reporting procedures for their use.

Further, a Traffic Safety policy has been adopted to assure safe enforcement and overall traffic safety as well as motor vehicle stops that prohibits any type of racial, age, gender, and any other type of profiling as a justification to conduct any type of stop or seizure of a citizen. The policy is designed to ensure traffic enforcement shall be based solely on the basis of the violation observed and not the profile of the operator and/or occupants.

Also, the Firearms Use and Qualification policy, covering the most serious act in which a law enforcement officer will engage, has been updated to assure the officer acts within the boundaries of legal guidelines, ethics, good judgment, and accepted practices, but also that the officer be prepared by training, leadership, and direction to act wisely whenever using a firearm in the course of duty.

Recognizing the level of intrusiveness strip searches have on individual privacy, the Springfield Police Department has adopted a new strip search policy to assure such searches shall be conducted only with the proper authority and justification and with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.

Based on the PERF evaluation for Springfield's compliance with MPAC Certification standards issued in April:

- SPD policies meet 25 MPAC standards.
- SPD policies partially meet 97 MPAC standards.
- SPD policies do not meet 16 MPAC standards.
- SPD polices meet 21 "observation" standards, and would need to be reviewed by an MPAC assessor once the SPD schedules our assessment for certification.

There are several draft policies out for review by captains (or their designees) and the SPD continues to draft additional policies based on PERF recommendations. These drafts, and subsequent drafts, address the DOJ report recommendations, and the City Council's Public Safety Sub-Committee's requests.

Overall, accountability has greatly increased with the implementation of body worn cameras. SPD is the largest department in the state that has gone to body worn camera use by all uniform officers and we included plainclothes officers in the policy, including narcotics officers when feasible. As you know, the City has created a unit to manage the body worn camera footage and has hire an attorney dedicated to this issue.

SPD is providing training in connection with any policy changes or updates that are implemented within the agency. These trainings are done through roll calls, informal briefings, and regularly scheduled in-service training sessions.

With the assistance of PERF, the SPD is currently in the position of documenting and centralizing agency compliance with MPAC standards. Completing Certification will fulfill the DOJ remedies. The DOJ Report states, among other things, “[w]e are encouraged by the SPD’s... initial efforts to address reform” and the SPD continues on an upward trajectory with its efforts and draft policies.

It should also be noted that in all cases reviewed by the CPHB as well as case Hearings conducted by the CPHB, the Commissioner has either adopted the recommendation of the CPHB or imposed stricter discipline, up to and including termination.

The Commissioner has changed the way officers are selected for special assignments like narcotics which includes a screening and review of IIU records.

SPD has also completely changed the way narcotics and currency are placed into evidence to assure the appropriate checks and balances are in place to maintain the integrity of such evidence.

The Police Commissioner has made it a point to insert herself in the in-service training for all officers to talk to them and give them her own message, clear up issues and listen to their issues.

All of these reforms have been carried out while SPD arrests for violent guns have increased immensely, and while dealing with another spike in COVID-19, dealing with a very young department, and trying to keep officers and the public safe, and while public opinion of police work has diminished. As I indicated I would suggest that an update to this report be provided after ninety (90) days as efforts are ongoing.

Councilor Whitfield
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Please contact me if you have any questions or concerns so that I can help coordinate the Police Department's response in providing assistance and cooperation in this important matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Edward M. Pikula". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward M. Pikula,
City Solicitor

cc: Cheryl Clapprood,
Police Commissioner

City Council