



# POLICE REVIEW & ADVISORY BOARD

*A Department of the City of Cambridge, Massachusetts*

## **Minutes for the Meeting of May 25, 2011**

**Board Members Present:** Mertin Betts (chair) Alexandra Detjens, Susan Melucci, Rich Peters

**City Staff Present:** Acting Executive Secretary Brian Corr, Lieutenant George Sabbey

**Public Present:** Brigitt Keller, Jack McDevitt

The meeting began at 6:15 PM and began with a moment of silence for Board Member Martin Small, who passed away on May 17, 2011.

Minutes were approved by unanimous vote.

### **Presentation from Brigitt Keller from National Police Accountability Project**

First, why Cambridge? Why does she come to the PRAB meetings? About six years ago, she heard from an attorney that there were problems. She could not attend PRAB meetings then, but after the arrest of Prof. Gates, she started coming. All communities need a civilian oversight process that has support from the government. Her remarks are based on her observations of the meetings, and of the ordinance and rules and regulations.

Important improvements have been made in the time she has been observing PRAB and its meetings: the new website, the agenda is regularly posted, experts are asked to make presentations to the Board, and CPD officers speak to policy issues -- these are all positive developments.

Some additional improvements that she suggests: she believes that the relationship with the community could be improved, as could the transparency of the board and its work. She has spoken with people in the community who are not really aware of the Board or how to file a complaint. In the City's annual report describes PRAB's outreach work, but she thinks there can be more outreach. It is also regrettable that three meetings were cancelled over the last year, even though there are valid reasons such as snowstorms and a lack of a quorum.

Ms. Keller noted that the fact that there are very few complaints and that members of the public do not attend the monthly PRAB meetings is also a concern, as it does not necessarily mean that there are not many problems. It is possible that it is rather a matter of awareness and/or community trust. In addition, the fact that a separate body was formed to examine issues in the wake of the Gates arrest case implies that the Board is not capable of handling complaints.

She also believes that it is problematic that the Board has a close working relationship with the Police, which is demonstrated by ride-alongs and walk-alongs for Board members and staff. That is not a problem by itself, but if the Board is reaching out to the police, it also needs to reach out to and learn from the community. Another concern is that Deputy Supt. Christine Elow sits in on part of the executive sessions. While Ms. Keller knows that she is only sitting on the part necessary for the Board to get the information it

needs for determinations, it is not clear to her if the public knows, and could raise questions of proper procedure.

She also mentioned that there seems to be a lack of public reports other than the annual report in the city budget. When she reads the ordinance and the rules and regulations, she believes that the Board is not in full compliance with them. The ordinance also calls for regular reports. Another issue is that at least one member of the Board does not reside in Cambridge anymore. When the board operates in a way that is not in compliance with the rules and regulations, it calls into question the work.

Also, seems that the docket was not being properly kept in the past, because it was unclear to her what the resolution of each complaint was and there were not even case numbers. The rules and regulations demand that a docket be kept that is clear and organized.

Recommendations to build a stronger relationship with the community:

- It would be important to keep a link to the ordinance and the rules and regulations on the website.
- The minutes should all be posted on the web, and they should be consistently detailed and reflect questions raised by the public.
- The board should organize recurrent outreach activities in the different neighborhoods in Cambridge.
- It would be good for community members too attend meetings that would allow them to speak outside of the Open Meeting Law constraints from time to time
- There should be more frequent reports about the number of cases, the nature of the cases, and the disposition, and the non-complaint related activities of the board.

Additionally, if the rules and regulations are not adhered to, it is very easy for someone to question the board. She would be interested in hearing about the residency requirement.

The board should do a self-evaluation about the work in the ordinance: viewing the CPD budget and making disciplinary recommendations.

It is clear that the board cannot do all of this alone. If the board would do all that is in the ordinance, it would make sense to have a full-time position.

Comments from the Board:

Board Member Peters appreciated the input to help us with community outreach.

Board Member Betts noted that ride-alongs are for the board to understand what is happening on the streets, and that Dept. Elow is there to discuss cases. He also noted that the Board includes members who have moved out of Cambridge, but they are serving out their terms, and when new members are appointed to PRAB, they will be residents of Cambridge.

Ms. Keller responded that regarding ride-alongs, the outreach to the police should be matched by outreach to the public, as there could be the perception that there is not balance and that the board is not inclined to learn from the community. Board Member Betts responded that there has been outreach: the most recent was "Write for Your Rights." Board Member Peters mentioned that historically staff did a lot more community outreach, but that when the issues around the arrest of Prof. Gates happened it took up a lot of time and slowed down the other work. He also mentioned that staff have redone the website and produced a new outreach brochure.

## **Presentation from Prof. Jack McDevitt, Northeastern University**

Prof. McDevitt noted that his presentation would be less formal and would include suggestions, based on his research and work, as well as information received from PRAB staff about current and potential work.

His suggestions come from an academic perspective: They did a study with 40 different boards to look at what has been successful in a range of communities, and made recommendations to Boston and Springfield.

Looking at Cambridge, it has a fairly good reputation for investigating misconduct, and there are no allegations of severe problems. Cambridge's board has the ability to do the investigations needed for this community. For example, it is not like Washington, D.C. that has an entire office devoted to civilian oversight of the police with a \$1,200,000 budget.

In past suggestions made by members of the Board, people were looking for more training. In Boston, the members of their oversight board went to the police academy, got training, and met the police who did the investigations. They received a lot of training to ensure they have the background so that they could look at a case and see if the investigation was done well. The members of the board also receive stipends.

Another common model is to have the police do an investigation and then have the civilian oversight board review it. If a board has the chance to have full access to the investigation it is generally very helpful and provides more cases for a board to examine.

In looking at the work of PRAB, one of the things Prof. McDevitt noticed was the role of mediation, and that is really important: Because most of the complaints are about discourtesy, it is very powerful for a person to sit down with the officer and be listened to. In Boston, an officer can keep a clean record if he or she has up to one mediation that is successful – and if there are more, they will be noted in the record with the outcome.

PRAB could do the most good by reviewing the policies of the Cambridge Police Department and how the police do their work – and then make recommendations. This is just as important as outreach to bring people in and make connections. Outreach is important because people do not immediately think about filing a complaint. There are so many reasons why people do not file that you don't have anything to do with PRAB or its work, but the outreach matters, but the police need to be doing the outreach. If you have a meeting to have people come out about police misconduct, you will get a handful of people, so you have to be creative, and piggybacking and doing things with other agencies is a great way to increase outreach.

If PRAB made a recommendation to the police about a case and they did not act on it, there would be consequences. The fact that PRAB could say publicly that it made a recommendation and the Police did not follow it would be very powerful. It is always very important to have review, oversight, and people asking questions.

Prof. McDevitt stated that Cambridge has something unique and that “you don't want to mess with it too much,” but PRAB should look at best practices and make changes as appropriate.

Comments from the Board:

Board Member Betts notes that PRAB has been looking at mediation and other best practices, though the Gates arrest got in the way and wishes that it could have been happening more quickly. He also noted that the Board is excited about mediation. Prof. McDevitt noted that mediation is important, and any dialogue is helpful.

Board Member Detjens asked why it is that Boston implemented Prof. McDevitt's recommendations but it is not working. Prof. McDevitt explained that they implemented the recommendations, but then a couple of members left, although they did some reports. In addition, the Boston board did not find major problems, but noticed a pattern of leading questions during investigations, and they got the Boston Police to make changes in their practices. In Springfield, there was less support for the police, and they put an external board in place, but the new mayor did not staff it. The only other cities in Massachusetts that have civilian oversight agencies are Boston and Springfield, with Worcester having a human rights commission with some limited mandate in that area.

Brigitt Keller and Jack McDevitt were thanked for their time and contributions, and both agreed to provide written information to the Board.

### **New Business**

The question of outreach for new board members was discussed, and the question was raised as to whether a posting ought to include that PRAB is looking for people who could do community outreach. Acting Executive Secretary Corr mentioned that he has already talked to the City Managers office about moving forward with a search for new members, with the idea of doing a request for applications in the late summer and the interview and review process in the autumn.

Board Member Detjens moved to go into executive session pursuant to M.G.L. chap. 39, s.23B(2). The motion was seconded by Board Member Melucci and approved in a unanimous vote.

The meeting adjourned at 7:30 PM after executive session.