A department of the City of Cambridge, Massachusetts

# Minutes for the Meeting of October 5, 2011

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

City Staff Present: Executive Secretary Brian Corr, Deputy Superintendent Christine Elow

The meeting began at 6:37 PM

The Board reviewed the minutes from the December meeting and approved them unanimously on a motion from Board Member Detjens, seconded by Board Member Melucci.

Executive Secretary Corr reported that applications for membership on the Board have begun to come in, and that the final deadline will be November 18. The Board discussed how the application and interview process had occurred in the past, and what might be most appropriate. Melucci expressed interest in reviewing all of the resumes as part of providing input to the City Manager for his decision.

Corr then gave a report regarding the annual conference of the National Association for Civilian Oversight of Law Enforcement (NACOLE), which he and Deputy Superintend Elow attended in New Orleans, LA in September. They both discussed the content of the various workshops and plenary sessions, including presentations from those involved in investigating the corruption and misconduct that occurred in New Orleans in the wake of Hurricane Katrina. Elow also described what she took away from the session on mediation, including many ideas for how to make more use of mediation.

Corr presented the proposed revisions of the Rules and Regulations of the Police Review & Advisory Board. The Rules and Regulations of the Police Review & Advisory Board were adopted in July 1997. Since that time there were changes made in 2005 to the Establishing Ordinance, changes in staffing and departmental structure, and an improved working relationship that has established cooperation from the Cambridge Police Department regarding complaints and investigations. Additionally, there is language in the current Rules and Regulations that does not conform with the City Charter, as well as language that does not conform to the Massachusetts Open Meeting Law. Because the purpose of Rules and Regulations is to provide operating procedures and guidelines for the work of the Board, the proposed changes aim to address the inconsistencies, and are also designed to clarify processes and procedures that have been long-standing but not codified.

Corr then presented a summary of the proposed changes. Proposed changes to the current Rules and Regulations were summarized as follows:

Section I: REMOVAL OF BOARD MEMBERS

This is not in the Establishing Ordinance and is not under the purview of the Board, but the City Manager. Massachusetts state law also specifies the conditions under which a person appointed to a municipal body remains in "holdover status" until the end of their term or an appointment is made by the appointing authority, which is the City Manager according to the City Charter.

#### Section II: BOARD VACANCIES

The ordinance does not give the Board this authority, so this provision – both regarding a and b - is invalid in terms of appointments.

#### Section III: COMPLAINTS

Overall, the Establishing Ordinance as amended contains detailed information about complaints.

- a) Types of Complaints: All complaints must be "formal"; changes regarding assistance fall under new Section 4: Mediation; it would be improper for the Board to "obtain information for the complainant"
- b) Filing a Complaint: clarified that cause must be shown
- c) Duties of Cambridge Police: not within the purview of Board
- d) Copies of formal complaints: covered by new section 2 on Investigation of Complaints
- e) Not within the purview of the Board
- f) Changed under new Section 3: Investigation of Complaints

#### Section IV: PUBLIC INFORMATION

Covered under new Section 1: Public Records, in order to be in compliance with the Public Record Law and Open Meeting Law, which covers the issues referred to and supersedes any other rules or local ordinances

## Section V: HEARINGS

Replaced with new Section 5: Hearings.

Overall, it specifies under what circumstances that hearings will occur and how they will be conducted.

## Section VI: CONTINUANCE POLICY

Modified slightly. Overall, it specifies under what circumstances that continuances will be granted, and allows the Board to delegate that authority to the Executive Secretary.

## Section VII: MEETINGS

Modified slightly: Overall, it has the same purpose and intent but references the Open Meeting Law

## Section VIII: CATEGORIES AND DEFINITIONS OF POLICE MISCONDUCT

Because the purpose of Rules and Regulations is to provide operating procedures and guidelines for the work of the Board, and because the Establishing Ordinance does not address this issue, this section is not appropriate for this document.

Additions to the current Rules and Regulations were summarized as follows:

### New Section 4: Mediation

This section is new, and provides a detailed framework for resolving complaints to the satisfaction of both the complainant and respondent.

Detjens moved that the Board adopt the proposed Rules and Regulations, and the motion was seconded by Melucci. The rules were adopted by unanimous vote.

Melucci moved to adjourn the meeting, seconded by Detjens. The meeting adjourned by unanimous vote at 7:29 PM.