

April 9, 2021

The Honorable Roderick L. Ireland  
Northeastern University School of Law  
204 Churchill Hall  
360 Huntington Avenue  
Boston, MA 02115

**Re: Springfield Police Department**

Dear Justice Ireland:

Lawyers for Civil Rights (“LCR”) is encouraged by the City of Springfield’s recent stated commitment to police reform, in particular the City’s support for your investigation and the ongoing roll-out of the most expansive body-worn camera program in the state. Your investigation is an important and necessary first step on the road to improved community-policing relations, and an opportunity to re-examine how Springfield deploys its police force.

Unfortunately, little has changed in the months since the U.S. Department of Justice (“DoJ”) published its report<sup>1</sup> on the Springfield Police Department (“SPD”), which led the City to request your guidance in implementing much-needed reforms. The release of the DoJ report has been followed by further allegations of racism in the SPD,<sup>2</sup> police misconduct settlements,<sup>3</sup> the SPD commissioner expressing confusion about how to implement the DoJ report’s recommendations,<sup>4</sup> and community groups calling on the DoJ to issue a consent decree to bind the City to abiding by the DoJ’s recommendations.<sup>5</sup>

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<sup>1</sup> U.S. Department of Justice, *Investigation of the Springfield, Massachusetts Police Department’s Narcotics Bureau* (Jul. 8, 2020), <https://www.justice.gov/opa/press-release/file/1292901/download>.

<sup>2</sup> Nick Stoico, *New England NAACP Chapters Condemn Springfield Police for Removing Chaplain*, BOSTON GLOBE (Oct. 26, 2020), <https://www.bostonglobe.com/2020/10/26/metro/new-england-naacp-chapters-condemn-springfield-police-removing-chaplain/>.

<sup>3</sup> Peter Goonan, *Springfield to Pay \$6.5 Million in Mark Schand Wrongful Imprisonment Case*, MASSLIVE (Dec. 08, 2020), <https://www.masslive.com/police-fire/2020/12/springfield-to-pay-65-million-in-mark-schand-wrongful-imprisonment-case.html>.

<sup>4</sup> Douglas Hook, *‘I Can’t Follow What They Want’; Springfield Police Department Struggles to Implement Use-of-force Training Reforms*, MASSLIVE (Jan. 16, 2021), <https://www.masslive.com/springfield/2021/01/i-cant-follow-what-they-want-springfield-police-department-struggles-to-implement-use-of-force-training-reforms.html>.

<sup>5</sup> The four main recommendations in the DoJ Report are to enact new reporting procedures for when officers use force in an arrest, adopt new training regarding the use of force, revise training and policies for the Internal Investigations Unit, and adopt new procedures regarding the discipline of officers. Patrick Johnson, *NAACP, Pioneer Valley Project Criticize Pace of Springfield Police Reform, Call on DOJ to Issue ‘Consent Decree’*, MASSLIVE (Jan. 28, 2021), <https://www.masslive.com/police-fire/2021/01/naacp-pioneer-valley-project-criticize-pace-of-springfield-police-reform-call-on-doj-to-issue-consent-decree.html>.

Lawyers for Civil Rights respectfully submits this letter to identify trends we have observed surrounding deep-rooted policing issues in Springfield based on our conversations with community-based groups, information secured through public records requests, and our own research.<sup>6</sup> We also draw from LCR's recent involvement in issues of police accountability, which ranges from advocacy on state legislation to reform standards for use of force, budget reallocations for the Boston Police Department, and structural reforms for training officers in communities such as Walpole and Needham. LCR's work has similarly focused on Springfield, including supporting firefighters of color to challenge the City's resistance to community representation, and condemning racist comments made by SPD officers.

This letter touches on several lessons we learned from community organizers and activists in Springfield, including and especially those led by people of color. These conversations have highlighted the importance of talking to community-based groups on the ground as part of any investigation, including Neighbor-to-Neighbor, Out Now, Pioneer Valley Workers Center, and other grassroots organizations operating in Springfield.

Springfield residents have highlighted three primary areas where reform is greatly needed: (1) accountability, (2) transparency, and (3) diversity. Below, we will examine each issue and make concrete suggestions for reform.

## **I. Accountability**

Members of the Springfield community have shared their experiences as to how they and their neighbors have been targeted by the SPD based on their identity, including race and sexual orientation. In the aftermath of these traumatic incidents, these individuals were largely unable to hold the SPD officers accountable for their misconduct, either because officers explicitly intimidated them out of seeking recourse or because of their implicit understanding that officers would protect one another, making any attempt at remediation futile. In light of these concerns, we offer recommendations below regarding oversight through a civilian review board and other measures to increase accountability.

### *a) Civilian Review Board*

Community groups largely attributed impunity issues to the current disciplinary system. According to one community member, the current system "allows the police to police themselves." This is a fair and justified assessment, as the police commissioner unilaterally runs the department. While Springfield currently has a Community Police Hearing Board ("CPHB"), which is a civilian panel of mayoral appointees, the CPHB can only make recommendations on disciplinary action, the implementation of which is ultimately left at the discretion of the police commissioner.<sup>7</sup>

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<sup>6</sup> Copies of the materials discussed here, particularly those that were obtained through public records requests, are available upon request.

<sup>7</sup> Investigation of the Springfield, Massachusetts Police Department's Narcotics Bureau, *supra* note 1, at 4.

Frustrated by large monetary settlements for police misconduct and media attention on the criminal wrong-doing of SPD officers, in 2016 and again in 2018, the Springfield City Council voted to create a Board of Police Commissioners to oversee the police department, including discipline.<sup>8</sup> Members of the Board of Police Commissioners would have to be selected by the Mayor. However, Mayor Domenic Sarno has refused to appoint any members to the commission, claiming that the plan is illegal.<sup>9</sup> Litigation initiated by the City Council to compel Mayor Sarno to make appointments is currently pending in the Hampden Superior Court.<sup>10</sup> Mayor Sarno has advocated instead for a revamped CPHB to address the issue of accountability – proposing, among other measures, granting the CPHB subpoena powers to investigate allegations of police misconduct.<sup>11</sup>

Regardless of whether oversight is achieved through a revamped CPHB or through a Board of Police Commissioners, any effective oversight must be independent and diverse.<sup>12</sup> The community should also have a prominent role in determining who provides oversight. To avoid actual or perceived conflicts of interests, the police chief and members of the executive branch should not be involved in the process. An oversight body should consist of community members who are impacted by policing decisions, not current or former police officers.

By ordinance, anyone can be appointed to the Board of Police Commissioners if they have been a resident of Springfield for the last three years, as long as they are not members of the City Council, employees of the City, and they do not hold any municipal or political office for which they receive compensation.<sup>13</sup> Similarly, any city resident can be a member of the Community Police Hearing Board as long as the Mayor finds that the resident is a person of integrity with a diverse background.<sup>14</sup> This criteria is insufficient to ensure adequate independence or meaningful diversity.

To eliminate actual or perceived conflicts of interest, other cities place strict limitations on who can serve on their oversight boards. Other cities also have affirmative requirements to

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<sup>8</sup> Stephanie Barry, *Springfield City Council Votes Overwhelmingly to Greenlight Lawsuit Against Mayor to Restore Civilian Police Commission*, MASSLIVE (Sep. 29, 2020), <https://www.masslive.com/police-fire/2020/09/springfield-city-council-votes-overwhelmingly-to-greenlight-lawsuit-against-mayor-to-restore-civilian-police-commission.html>.

<sup>9</sup> Sam Hudzick, *Springfield City Council: It's Time to Sue Over Ignored Police Board*, WBUR (Sep. 30, 2020), <https://www.wbur.org/news/2020/09/30/springfield-council-police-lawsuit>.

<sup>10</sup> *Springfield City Council v. Sarno*, No. 20-00515 (Hampden Sup. Ct.).

<sup>11</sup> *Springfield City Council Votes Overwhelmingly to Greenlight Lawsuit Against Mayor to Restore Civilian Police Commission*, *supra* note 8.

<sup>12</sup> National Association for Civilian Oversight of Law Enforcement, *Guidebook for the Implementation of New or Revitalized Police Oversight*, 38 (2016), [https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1597686953/Guidebook\\_for\\_the\\_Implementation\\_of\\_New\\_or\\_Revitalized\\_Police\\_Oversight\\_2016\\_FINAL.pdf?1597686953](https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1597686953/Guidebook_for_the_Implementation_of_New_or_Revitalized_Police_Oversight_2016_FINAL.pdf?1597686953); Kelly McConney Moore, *For Civilian Review Boards to Work, They Must Avoid Past Mistakes*, ACLU Connecticut (Sept. 10, 2020), <https://www.acluct.org/en/news/civilian-review-boards-work-they-must-avoid-past-mistakes>.

<sup>13</sup> Springfield, MA, Code, ch. 67, § 86.

<sup>14</sup> Executive Order of Mayor Domenic J. Sarno, Community Police Hearing Board for Springfield Police Department, 1-2 (2019), [https://www.springfield-ma.gov/cos/fileadmin/law/CPHB/Mayors\\_Executive\\_Order\\_\\_revised\\_Oct\\_16\\_\\_2019\\_.pdf](https://www.springfield-ma.gov/cos/fileadmin/law/CPHB/Mayors_Executive_Order__revised_Oct_16__2019_.pdf).

promote diversity. For example, in Madison, Wisconsin, former employees of the Madison Police Department (“MPD”), immediate family members of current or former MPD employees, or those who worked in law enforcement in the state within the last ten years cannot be members of the civilian review board.<sup>15</sup> By ordinance, 25 to 40 percent of the board is required to have lived experiences with homelessness, mental health, substance abuse, and/or arrest or conviction records. At least one member must also have an arrest or conviction record.

An open and transparent dialogue between the Mayor’s office and community groups during the selection process for any oversight board is critical. We recommend that the City create a series of multilingual listening sessions across Springfield neighborhoods to provide residents with an opportunity to nominate members of their community for the Mayor’s consideration.

Similarly, an effective oversight board must have broad investigative authority, including subpoena power, to compel witnesses to testify, disclose records, and produce evidence.<sup>16</sup> Cities such as Portland, Oregon, and New Haven, Connecticut, have given their review boards broad authority to allow for more meaningful investigations.<sup>17</sup> The Mayor’s office and SPD are already advocating for the CPHB to have subpoena powers,<sup>18</sup> which we agree is essential.

Finally, there is a real need to create a publicly available disciplinary matrix describing the range of penalties that officers can expect based on the oversight board’s findings. Disciplinary recommendations would be rendered ineffective if solely left to the discretion of the police commissioner. Having disciplinary guidelines applied uniformly in cases where the board finds misconduct is necessary for the oversight board to have meaningful disciplinary power and legitimacy.<sup>19</sup>

*b) Other Measures for Increasing Accountability*

Beyond civilian oversight, there are numerous ways the SPD can enhance accountability and trust with the community it serves. In addition to the overtly violent incidents like the ones described in the DoJ report, community members report that they are frequently harassed by the police and that this harassment was often not reported due to the erosion of community-police trust. The SPD can remedy this by proactively investigating problematic officer behavior,

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<sup>15</sup> Madison, WI, Code of Ordinances, ch. 5, § 20.

<sup>16</sup> Guidebook for the Implementation of New or Revitalized Police Oversight, *supra* note 12; For Civilian Review Boards to Work, They Must Avoid Past Mistakes, *supra* note 12.

<sup>17</sup> Daniel Cassidy, *Voters in Portland Approve Citizen-Run Police Oversight Board*, FORBES (Nov. 4, 2020) <https://www.forbes.com/sites/danielcassady/2020/11/04/voters-in-portland-approve-citizen-run-police-oversight-board/?sh=7b94a46ce836>; Clare Dignan, *New Haven Approves New Police Civilian Review Board*, NEW HAVEN REGISTER (Jan. 7, 2019), <https://www.nhregister.com/news/article/New-Haven-approves-new-police-Civilian-Review-13515897.php>.

<sup>18</sup> Dan Glaun, *Springfield Officials Propose Strengthening Civilian Oversight of Police Department, Keeping Police Commissioner*, MASSLIVE (Apr. 10, 2019), <https://www.masslive.com/news/2019/04/springfield-officials-propose-strengthening-civilian-oversight-of-police-department-keeping-police-commissioner.html>.

<sup>19</sup> For Civilian Review Boards to Work, They Must Avoid Past Mistakes, *supra* note 12.

dismantling the code of silence within the SPD, and establishing clear and consistent written policies for intake and investigation of officer misconduct allegations.

An important measure to remedy the erosion of community trust is to take proactive steps to identify problematic officer behavior, even before it culminates in a complaint or lawsuit. For example, the SPD should pay special attention to officers that use rote and ambiguous boilerplate language in their reports. The DoJ Report found that officers within the SPD's narcotics bureau routinely used vague, rote, and pat language in their use of force reports, making it impossible to review whether force was used appropriately or disproportionately.<sup>20</sup> It is possible that officers were intentionally using such language to stifle meaningful investigation. The SPD should implement a policy requiring specific and detailed factual reporting. SPD must audit and re-train officers who have the tendency to use vague and rote language.

The SPD must also address the code of silence within the department that undermines efforts to hold police accountable. Residents repeatedly referenced such a code as a barrier to filing complaints or creating change, including noting that police officers who directly observe misconduct are fearful of reporting it to their superiors. One particularly promising method of addressing the code of silence is the active bystandership program developed by the New Orleans Police Department, which is now being adopted by all police departments in New Hampshire and Washington, as well as those in Baltimore, Boston, Philadelphia, and the FBI National Academy.<sup>21</sup> This program teaches officers that intervention is actually a manifestation of loyalty to fellow officers by helping them stay out of trouble. This sort of behavior requires a culture change, which must be supported and modeled by the highest levels of leadership. Thus, we recommend that the SPD institute this training program for all officers. Relatedly, leadership must provide consistent positive reinforcement for those who report violations, and discipline those who do not.

Similarly, the SPD needs to have an effective and uniform written complaint intake protocol and investigation procedure, which it currently lacks. A 2019 report issued by consultants hired by the City to look into the SPD's investigative procedures found that the department did not have an agency-wide policy governing how complaints are received and investigated.<sup>22</sup> The report recommended creating such a policy, defining the roles and responsibilities of individuals 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. Similarly, the DoJ has noted that the SPD has no policies specifically detailing how complaints are to be investigated, such as how evidence should be collected, interviews and witnesses canvased for, and investigative reports drafted.<sup>23</sup> Operating in this vacuum of formal policies and protocols, the City of Springfield has

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<sup>20</sup> Investigation of the Springfield, Massachusetts Police Department's Narcotics Bureau, *supra* note 1, at 17.

<sup>21</sup> Zara Abrams, *What Works to Reduce Police Brutality*, AMERICAN PSYCHOLOGICAL ASSOCIATION (Oct. 1, 2020), <https://www.apa.org/monitor/2020/10/cover-police-brutality>.

<sup>22</sup> Police Executive Research Forum, *Assessment of the Springfield, Massachusetts Police Department*, 5 (Apr. 2019), [https://www.springfield-ma.gov/cos/fileadmin/user\\_upload/December\\_2020/Reforms\\_Update/Springfield\\_Report\\_IIU.pdf](https://www.springfield-ma.gov/cos/fileadmin/user_upload/December_2020/Reforms_Update/Springfield_Report_IIU.pdf).

<sup>23</sup> Investigation of the Springfield, Massachusetts Police Department's Narcotics Bureau, *supra* note 1, at 24-25.

evinced “what appears to be a consistent pattern of rejecting civilian complaints against police officers,” as recently noted by a federal court.<sup>24</sup> Adopting comprehensive protocols for receiving complaints and conducting thorough investigations would help address community concern surrounding the futility of reporting misconduct and alleviate fears of police retaliation.

## II. Transparency

The lack of transparency in the operations of the SPD is evident in its lack of centralized and comprehensive policies and procedures. In 2020, a consultant hired by the City found, for example, that the SPD did not have a “comprehensive policy manual, clear standard operating procedures (SOPs) to govern various units and activities, or any other centralized, organized system for its written directives.”<sup>25</sup> Based on this finding, the consultant recommended that the SPD should create a centralized, comprehensive policy-procedure manual that contains all of the written directives on topics like code of conduct, use of force, forms and reporting, chain of command, and training.<sup>26</sup> Below, we discuss other issues related to transparency that we have learned through our own experiences in engaging with the SPD and discussions with community members.

### a) *Public Records*

Accessing public records in Springfield is notoriously difficult. LCR has experienced this firsthand. A records request that we submitted in early November 2020 has not been fully responded to over four months later. Our experience in getting the City to comply is not unique. The Committee for Public Counsel Services (“CPCS”) filed a lawsuit last November, currently pending, with allegations that the City had not complied fully with records requests regarding SPD officers in over a year.<sup>27</sup> Our conversations with community groups confirm that this evasive behavior from the City in response to records requests is the norm. The inability to gain insights into the workings of the SPD is a significant barrier to community trust.

Massachusetts Public Records Law requires Springfield to produce records within ten business days.<sup>28</sup> While we are sympathetic to the constraints faced by the City due to the

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<sup>24</sup> *Hutchins v. McKay*, 285 F. Supp. 3d 420, 428 (D. Mass. 2018) (citing *Douglas v. City of Springfield*, 2017 WL 123422, at \*10 (D. Mass. Jan. 12, 2017)).

<sup>25</sup> Police Executive Research Forum, *Assessment of the Springfield, Massachusetts Police Department for MPAC Certification*, 14 (April 2020), [https://www.springfield-ma.gov/cos/fileadmin/user\\_upload/December\\_2020/Reforms\\_Update/Springfield\\_Police\\_Department\\_MPAC\\_Assessment\\_Report.pdf](https://www.springfield-ma.gov/cos/fileadmin/user_upload/December_2020/Reforms_Update/Springfield_Police_Department_MPAC_Assessment_Report.pdf).

<sup>26</sup> *Id.* at 18.

<sup>27</sup> Complaint, *Comm. for Pub. Counsel Serv. v. Sarno*, No. 20-00608 (Hampden Sup. Ct. Nov. 10, 2020); Adam Frenier, *Public Defenders File Lawsuit Seeking Springfield Police Records* (Nov. 25, 2020), <https://www.nepm.org/post/public-defenders-file-lawsuit-seeking-springfield-police-records#stream/0>. A lawsuit filed last year by the American Civil Liberties Union of Massachusetts (“ACLU”), pending in the Hampden Superior Court, similarly alleges that the City had not complied with records requests regarding the SPD in over a year. Complaint at 1-3, *Am. C.L. Union of Mass. v. City of Springfield*, No. 20-00295 (Hampden Sup. Ct. July 15, 2020).

<sup>28</sup> Mass. Gen. Laws ch. 66, § 10.

COVID-19 pandemic, it is completely unacceptable for the City to take more than a year to comply, as the CPCS lawsuit alleges, under any circumstances. The systemic disregard for public access and transparency undermines civic trust in all city functions, not just the police department. Thus, Springfield needs to make diligent efforts to comply with records requests in a timely manner, increasing staffing and technological capabilities if necessary, to meet its legal obligations and restore public trust and confidence in the system.

Relatedly, the SPD should also strive to proactively increase transparency by making non-exempt public records available to Springfield residents before records requests are even submitted. Included in such records should be annual independent audits of SPD practices, conducted by an outside firm, containing information such as the amount of tax dollars spent defending officers accused of misconduct, including the amount spent on investigations, retaining counsel, paid leave, and increased insurance premiums.

*b) Community Outreach*

Community outreach programs are important tools for encouraging information flow between the police and the community. We are aware of multiple programs instituted by the SPD that are intended to encourage such a dialogue, including the Shannon Community Safety Initiative (“Shannon Initiative”), C3 community policing program, and the Ordinance Unit. However, some of these programs have suffered from a lack of transparency for how funding is utilized, like the Shannon Initiative, which has been questioned by City Council members.<sup>29</sup> Program budgets reveal policing being prioritized over community engagement. Documents obtained through our public records requests show, for example, that approximately \$531,000 or 30% of the proposed budget for the Shannon Initiative for FY21 was marked for SPD salaries and over-time payment for “hot spot” patrols. These costs could be better allocated to engage the community.

Our conversations with community groups revealed that these programs may be ineffective or ill-suited to community needs. For example, many community group members were unaware that these programs even existed. Given that these organizers are at the forefront of community policing and reform efforts in Springfield, their lack of knowledge about the programs speaks volumes about insufficient outreach. Information is not being made available to the population at large. At a minimum, for these programs to be effective, the community must be aware of their existence. These programs should ensure meaningful access and inclusivity, ranging from ensuring language access for Limited English Proficient (“LEP”) residents to taking care not to schedule meetings to clash with cultural events or religious observations.

Meaningful community engagement requires a structural shift in the way the SPD thinks about the community. The SPD’s current attitude towards the community is reflected in the “program narrative” that the SPD submitted to the Commonwealth as part of the FY21 grant

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<sup>29</sup> Peter Goonan, *Springfield City Council Holds off Accepting \$1 Million Anti-gang Grant as Some Question Transparency, Effectiveness*, MASSLIVE (Feb. 17, 2021), <https://www.masslive.com/news/2021/02/springfield-city-council-holds-off-accepting-1-million-anti-gang-grant-as-some-question-transparency-effectiveness.html>.

application for the Shannon Initiative.<sup>30</sup> In relevant part, the SPD claims recent gun violence is attributable to a Supreme Judicial Court ruling granting COVID-related pre-trial release to persons accused of non-violent crimes and “anti-police rhetoric” in the wake of George Floyd’s murder. SPD also associates people of color with gang violence, noting that the “majority of gang members are African-American and Latino male.” Without a fundamental and systemic shift in the way that SPD thinks about Springfield residents and people of color, community programs like the Shannon Initiative will fail.

Community policing must be collaborative; top-down models will inevitably fail without meaningful outreach and engagement with communities who have good reason to mistrust the officers serving them. In order to better integrate these initiatives, the SPD should partner with more grassroots and community-based organizations. In order to build the trust necessary to form such partnerships, these programs should follow the “reconciliation” process utilized in Gary, Indiana, in which police department leadership and influential leaders from community groups partake in “listening sessions” to acknowledge past and present grievances.<sup>31</sup>

Community members must also have visibility into, and a voice in, significant budgeting decisions. For example, community input is needed for the in-school officer program (school security is known as the “Quebec program”), funding for which comes from the school system, rather than the SPD.<sup>32</sup> If the Quebec program goes over budget, the Superintendent of Schools is tasked with identifying the funding source for this increased cost.<sup>33</sup> In 2019, over \$200,000 had to be reallocated in the school budget to account for an increase in the Quebec program due to salary increases.<sup>34</sup> This is on top of more than \$1 million that the SPD receives every year from the school system. For example, the SPD received \$1.3 million in 2019 and \$1.5 million in 2020 from the school system for the Quebec program.<sup>35</sup> SPD should not be given a blank check to pull funds from the school system for salary increases. At a minimum, school security budgets should be transparently negotiated up-front, so that interested stakeholders can have a meaningful voice in this conversation and resource allocation.

Furthermore, we heard significant concerns about the Quebec program from multiple community group members who mentioned incidents in which students were treated aggressively by officers. If the officers are contributing to an unsafe environment themselves, this is further evidence that an open dialog surrounding funding for the program is needed. Parents, students, and teachers need to be given a meaningful voice in deciding what kind of

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<sup>30</sup> Obtained through public records request.

<sup>31</sup> Gary Indiana, *2018 Interim Status Report: National Initiative for Building Community Trust and Justice* (Dec. 2018), [https://s3.truandjustice.org/misc/National\\_Initiative\\_2018\\_Interim\\_Status\\_Report\\_Gary.pdf](https://s3.truandjustice.org/misc/National_Initiative_2018_Interim_Status_Report_Gary.pdf).

<sup>32</sup> Interdepartmental Memorandum of Agreement Between the Springfield Public Schools and the Springfield Police Department, Regarding the SPD Student Support Unit, ¶ 4.

<sup>33</sup> *Id.*

<sup>34</sup> June 11, 2019 Memorandum to School Committee from Patrick Roach, Chief Financial and Operations Officer regarding Budget Transfer for Quebec Contract.

<sup>35</sup> City of Springfield, MA, *Fiscal Year 2021 Adopted Budget*, at 7-11, [https://www.springfield-ma.gov/finance/fileadmin/budget/2021/FY21\\_Adopted\\_Budget\\_-\\_Compressed.pdf](https://www.springfield-ma.gov/finance/fileadmin/budget/2021/FY21_Adopted_Budget_-_Compressed.pdf).



programs best promote safety in schools, rather than a top down approach that imposes security officers on the school system.

### III. Diversity

It is critically important that police departments reflect the communities they serve.<sup>36</sup> Springfield is a diverse city. Census estimates from 2019 show approximately 45% of its population is Latinx and 21% is Black.<sup>37</sup> Approximately 39% of the population speaks languages other than English at home.<sup>38</sup> Although the SPD has made improvements in diversifying the department in recent years, there is much room for improvement.

While the City remains covered by the Castro/Beecher consent decree that governs the hiring of entry-level police officers,<sup>39</sup> it is not enough to simply hire women, Spanish speakers, and people of color onto the police force at the entry level. These individuals must be given an equal opportunity for personal and professional development. Although the SPD force itself is now over half Black, Latinx, or Asian American, 70% of the supervisors are white.<sup>40</sup> Promoting internal diversity and professional growth opportunities are critical components of improving community-police relationships. When there is internal fairness and respect within a police department, officers are more likely to demonstrate these qualities in their daily interactions with the community.<sup>41</sup>

It is equally important for police departments serving diverse communities to be culturally and linguistically competent.<sup>42</sup> Our conversations with community groups revealed several issues specific to the Latinx community. Community groups cited the lack of language competency as an issue affecting their relationship with the police. For example, when Spanish-speakers were pulled over by the SPD, they had to contact community groups to translate because the officers did not speak Spanish. At the extremes, there are documented examples of SPD officers committing hate crimes,<sup>43</sup> such as a narcotics bureau sergeant kicking a “youth in

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<sup>36</sup> Caitlin Gokey & Susan Shah, Office of Community Oriented Policing Services (U.S. Department of Justice), *How to Support Trust Building in Your Agency*, 27 (2016), [https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities-building-trust\\_1.pdf](https://www.vera.org/downloads/publications/police-perspectives-guide-series-building-trust-diverse-nation-diverse-communities-building-trust_1.pdf); Office of Community Oriented Policing Services (U.S. Department of Justice), *Final Report of the President's Task Force on 21st Century Policing*, 16 (2015), [https://www.laed.uscourts.gov/sites/default/files/pdfs/citations/taskforce\\_finalreport.pdf](https://www.laed.uscourts.gov/sites/default/files/pdfs/citations/taskforce_finalreport.pdf).

<sup>37</sup> U.S. Census Bureau, Springfield City, Massachusetts: Quick Facts, <https://www.census.gov/quickfacts/fact/table/springfieldcitymassachusetts,westspringfieldtowncitymassachusetts/PS/T045219>.

<sup>38</sup> *Id.*

<sup>39</sup> *Bos. Chapter, NAACP, Inc. v. Beecher*, 295 F. Supp. 3d 26, 28 (D. Mass. 2018).

<sup>40</sup> Dugan Arnett & Laura Crimaldi, ‘One of the Worst Police Departments in the Country’: Reign of Brutality Brings a Reckoning in Springfield’, *BOSTON GLOBE* (July 25, 2020), <https://www.bostonglobe.com/2020/07/25/metro/one-worst-police-departments-country/>.

<sup>41</sup> Community Relations Service (U.S. Department of Justice), *Importance of Police-Community Relationships and Resources for Further Reading*, 4, <https://www.justice.gov/crs/file/836486/download>.

<sup>42</sup> Caitlin Gokey & Susan Shah, Office of Community Oriented Policing Services (U.S. Department of Justice), *How to Serve Diverse Communities*, 6 (2016), [https://s3.trustandjustice.org/misc/COPS\\_ServingDiverseCommunities.pdf](https://s3.trustandjustice.org/misc/COPS_ServingDiverseCommunities.pdf).

<sup>43</sup> Investigation of the Springfield, Massachusetts Police Department’s Narcotics Bureau, *supra* note 1, at 2.

the head” while spitting on him and saying “welcome to the white man’s world.” While these latter instances require discipline, including criminal prosecution, the former could be resolved by increasing the number of Spanish-speaking officers on the force, stationing them in the relevant communities, and staffing more Spanish-speakers on traffic patrol. But language competency is only a component of improving cultural competency. Other measures include community meetings to foster dialogue, cultural competency training, and implicit bias training.<sup>44</sup>

The story of Officer Florissa Fuentes, an SPD officer terminated for peacefully supporting the Black Lives Matter (“BLM”) movement through social media, encapsulates many of the issues discussed in this letter regarding transparency, accountability, and diversity. Just a few months before Fuentes’ termination in June last year, the SPD commissioner had reinstated five officers indicted in the alleged cover-up of an attack on four black civilians by four off-duty police officers, who used a racial slur during the attack.<sup>45</sup> The commissioner reinstated the officers citing staffing needs created by the COVID-19 pandemic.<sup>46</sup> The Mayor had to rescind the reinstatement after the FBI and the Massachusetts Attorney General’s Office told the City it was breaking the law by allowing the officers to return to work with guns while still under indictment.<sup>47</sup> Notwithstanding the purported staffing shortages, around the same timeline, the SPD commissioner terminated Fuentes, a Latinx detective on the force, for posting content on social media supporting her niece’s BLM activism. Officer Fuentes was fired despite taking down the post immediately and publicly apologizing for the post.<sup>48</sup> The circumstances surrounding Fuentes’ termination demonstrate alarming racial disparities in how officers of color are disproportionately punished and subjected to personal and professional indignities.

The SPD’s differential treatment of officers indicted for covering up attacks on persons of color and an officer peacefully supporting BLM sends a powerful negative message to Springfield’s communities of color. It undermines community trust and confidence in the police, which cannot be restored without implementing the various measures outlined in this letter to promote accountability, transparency, and diversity.

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<sup>44</sup> How to Serve Diverse Communities, *supra* note 42, at 5-7; How to Support Trust Building in Your Agency, *supra* note 36, at 37-49.

<sup>45</sup> Stephanie Barry, *Springfield Police Commissioner Cheryl Clapprood Takes 5 Officers Suspended in Nathan Bill’s Case Back off the Streets After Reinstatement*, MASSLIVE (May 1, 2020), <https://www.masslive.com/coronavirus/2020/05/springfield-police-commissioner-cheryl-clapprood-takes-5-officers-suspended-in-nathan-bills-case-back-off-the-streets-after-reinstatement.html>; Stephanie Barry, *Nathan Bill’s Bar Owner Warned Civilians Off-duty Cops Were ‘Rookies’ and ‘Hot Heads’ Before Fight Broke out in 2015, Judge Says in Ruling*, MASSLIVE (Aug. 29, 2019), <https://www.masslive.com/news/2019/08/nathan-bills-bar-owner-warned-civilians-off-duty-cops-were-rookies-and-hot-heads-before-fight-broke-out-in-2015-judge-says-in-ruling.html>.

<sup>46</sup> *Springfield Police Commissioner Cheryl Clapprood Takes 5 Officers Suspended in Nathan Bill’s Case Back off the Streets After Reinstatement*, *supra* note 45.

<sup>47</sup> *Id.*

<sup>48</sup> Dugan Arnett, *In Springfield, an Instagram Post Costs a Detective Her Job*, BOSTON GLOBE (July 6, 2020), <https://www.bostonglobe.com/2020/07/06/metro/springfield-an-instagram-post-costs-detective-her-job/>.



#### **IV. Conclusion**

Our discussions with community members in Springfield have underscored three key reform areas for the SPD: accountability, transparency, and diversity. Drawing from our community-based discussions, public records requests, independent research, and prior work on police accountability issues, we are respectfully submitting recommendations that we hope you will consider as part of your investigation.

To increase accountability, the SPD should adopt a civilian review board model that is independent and diverse, with the power to make binding disciplinary findings, and equipped with broad subpoena powers to investigate. Similarly, the SPD should proactively investigate problematic officer behavior, address the code of silence, and implement comprehensive written protocols for receiving and investigating complaints.

In order to address the lack of transparency, the SPD and the City should make diligent efforts to comply with public records requests in a timely manner, increasing staffing and technological capabilities if necessary. Non-exempt public records should be proactively made available before records requests are even submitted. Transparency should also be increased through deliberate and intentional community outreach and engagement programs. Such efforts should be highly collaborative and inclusive. Community members must be given visibility into, and a voice in, budgeting decisions regarding the SPD.

Finally, to address issues of diversity, the SPD should focus not only on hiring officers of color, but also on promoting professional growth opportunities for these officers. Increasing the language and cultural competency of the force will also be critical to gaining the community's trust and confidence.

We respectfully request that you consider the recommendations outlined above. Please also consider reaching out to community-based organizations such as Neighbor-to-Neighbor, Out Now, and Pioneer Valley Workers Center for additional information in the course of your investigation.

Respectfully submitted,

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cc: Office of Mayor Domenic J. Sarno  
Springfield City Council  
Springfield Police Department  
Neighbor-to-Neighbor  
Out Now  
Pioneer Valley Workers Center