

Civilian Police Complaint Report Addendum

Some questions were raised at the Select Board hearing on the Civilian Police Complaint Report for 2018. The following are responses to those questions:

1. How do our results compare with those of other departments?

The Complaint Report of January, 2014, did not include such a comparison either, offering the following explanation for not doing so:

“Most [police] departments have a citizen complaint policy and process by which complaints are investigated. Because there is no uniform standard for taking or resolving citizen complaints, it is difficult to compare Brookline results with other Departments. There is no consistency regarding what constitutes an “official” complaint and in fact some departments tend [to] resolve complaints informally and without uniform procedure. There is also no way to know if there is consistency in the conclusions being reached by each department; some cases where one investigator feels a matter has not been sustained might result in a finding of sustained by another investigator. Some of these issues might depend on an atmosphere of philosophy within a department, and abstract matters such as this are difficult to measure.”

-- Citizen Complaint Process Review, April 2014

2. The Review of 2014 went on to say, “For this reason it makes sense to review the citizen complaint policy itself and the Police Department and Town Government’s compliance with this policy as opposed to making comparisons to other Police Departments.” The report went on to describe, under “Process and Implementation” the process of handling complaints in Brookline, which is described in detail as follows:

“All citizen complaints filed either at the Town Hall or with the Department are investigated. The process begins with the Lieutenant in the Office of Professional Responsibility making contact with the complainant. An attempt is made to schedule an in-person interview; however, if the complainant chooses, this interview may be conducted over the telephone as well. Complainants are asked to submit a complaint form in writing, and are able to send this in via mail/fax/USPS or simply dropping it off at the Police Station or Town Hall. After interviewing the complainant, witnesses are also contacted so that their statements may be taken and included in the recorded. The subject officer(s) are contacted and interviewed regarding the allegations. Evidence is sought (reports, surveillance video, documents) where applicable. At the conclusion of the investigation, a preliminary finding is reached. A report documenting the investigation is submitted to the Chief of Police for review. The case is discussed and consideration is given to whether more investigation needs to be done or if the factual findings are complete.

“One of the elements of the Brookline citizen complaint policy that is different from other Departments is the way citizen complaints are handled once the investigation reaches this point. Most Departments simply reach a decision and notify the complainant of the result. Some do not even do this. However, pursuant to the Brookline Police policy, upon the completion of an investigation, a copy of the preliminary investigative report is sent out to the citizen via certified mail. Attached with this investigative report (personal or private information is redacted) is a letter from the Chief of Police outlining that the citizen is receiving a copy of the allegation of misconduct. The complainant may review the report and if there is evidence that they believe was not investigated, may notify the Department of this for further review. The complainant also has the option of making comments on the case, and these comments are then included in the record. The complainant has 10-days for this phase, and only after the complainant has had this opportunity to review the report is the case ready for a final resolution. This detailed level of process and transparency allows for participation in the process beyond what has been found in all other departments surveyed. Upon examining the investigative case files provided for our review, we found that in the majority of investigations, the complainant chose not to include any additional information during the 10-day response period. This would indicate to us that the investigations were completed in a thorough and satisfactory manner.

“At the conclusion of a citizen complaint investigation, a final disposition is reached by the Chief of Police. The Chief then submits a written report to the Town Administrator. A copy of this report, along with a notice of final disposition, is then sent to the complainant for notification. The Citizen Complaint Procedure then allows the citizen an automatic right of appeal of the decision reached by the Chief of Police. Attached, with the Chief of Police’s final decision and report, is information explaining that the citizen has a right to appeal the decision to the Board of Selectmen within 21 days. A copy of the appeal form is included with every final disposition notice. Included with the appeal form is a detailed letter explaining how the appeals process works, how the appeal may be filed, as well as where the complainant can go to find more information about the appeals process. The complainant’s right of appeal is absolute, and any complainant who wishes to be heard by the Board of Selectmen will be granted such opportunity. After hearing an appeal, the Board of Selectmen have the option of entering discipline, upholding the Chief’s decision, sending the case back for further investigation, or appointing an independent investigator to conduct an investigation on their behalf. “

-- Citizen Complaint Process Review, April 2014

We received and read copies of all the complaints and the investigative reports, which conformed to the process described in the 2014 Report. We received answers to questions we raised, and concluded that the process for recording and investigating complaints was fair and thorough.