

# Opinion: PAX commends police discipline changes

By Frank Farlow and Marty Rosenthal/guest column

## Wicked Local Brookline

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Brookline —

The new police discipline policies adopted by the Selectmen on July 28 have been a long time in coming. Largely unrevised since 1987's major overhaul, it has been under close scrutiny for two years, at some 20 public meetings of the Selectmen's Citizen Complaint Review Committee, and then the Board of Selectmen. Many citizens, including PAX leaders, repeatedly testified, continually urging further strengthening of the various drafts' procedural protections for complainants.

All this activity arose from a 2007 Town Hall incident, a heated exchange between a police officer and a black Town Meeting member, witnessed by seven bystanders, including two other Town Meeting members. After being singled out for blame and told he would be criminally prosecuted, the aggrieved Town Meeting member filed a complaint, resulting in an internal police investigation. The October 2007 investigative report characterized the complaint as twofold — “racial bias” and “rudeness/discourtesy” — and found the former “unfounded,” and the latter “not sustained.” Nearly all the witnesses were taken aback.

At a tension-filled meeting attended by many Town Meeting members and concerned citizens, the Selectmen denied the complainant's request for a hearing to appeal the police findings. However, the Selectmen soon formed a blue-ribbon citizens' committee to review the incident and prepare recommendations to improve existing policy and procedures concerning citizen complaints.

The nine-member CCRC decided it did not have time to reinvestigate the events of 2007, choosing instead to focus solely on improving the procedures for handling future citizen complaints, having found only one instance since 1987 in which the Selectmen had granted an appeal hearing. Working hard for nearly a year, the CCRC delivered its extensive report and recommendations last January, recommending numerous procedural changes.

In the May 2009 Town Meeting, PAX introduced a warrant article urging the Selectmen to reject only one of those recommendations, and also to implement three additional proposals. This resolution was adopted by a substantial majority of Town Meeting members.

Looking back, we regret that no formal expression of regret was ever offered by the Selectmen to the complainant for his May 2007 ordeal. Since his appeal for a hearing was rejected, the official history of the incident remains incomplete and, to many, suspect.

Looking forward, however, major improvements have been made, small and large, in the police disciplinary policies. Although the Selectmen are discontinuing the 22-year-old policy permitting one selectman to docket a full-blown appeal hearing in important cases — which PAX and Town Meeting urged retaining — they augmented the CCRC's recommended “informal presentation”

by complainants, creating a new procedure that is clearly an important improvement. Before the board votes on whether to grant full-blown appeal hearings (which, due to the new requirement of a majority vote, may become even more unlikely), complainants will have the right to be heard, with up to three witnesses of their choice, to highlight perceived inaccuracies or other deficiencies in the police investigative report, which will be provided to the complainant in advance.

Many people deserve Brookline's thanks, including the CCRC, chaired by former judge Patrick King, which labored long, fruitfully and with much citizen input; the Selectmen, who appointed them, and who — especially Dick Benka — have been receptive to many thoughtful recommendations from the public; Town Administrator Richard Kelliher, who suggested and staffed the CCRC; Associate Town Counsel Patty Correa for her tireless and valiant efforts doing the legalistic rewording of the complex policies; Chief Dan O'Leary (and also police union officials), who put in enormous time on this two-year project and handled it with patience and grace; the Town Meeting members and other citizens who persisted in coming to meetings and urging revisions; and, finally, the 2007 complainant himself, whose determined pursuit of fairness and justice for future complainants has produced a work in progress in which he and the town can take justifiable pride.

We were gratified by Selectman Benka's July 28 statement, seconded by Selectwoman Jesse Mermell, that the revised policies should still be seen as "a work in progress," open to ongoing improvements — as was stated in 1987, but not carried out. Now, with a new periodic assessment policy, this should come alive. We look forward to continuing to work with the Selectmen and others in improving it further in the future. We have an excellent police department and a much-improved disciplinary procedure, but both are too important for complacency.

*Frank Farlow and Marty Rosenthal are co-chairmen of Brookline PAX, a liberal advocacy group. Rosenthal was a member of the CCRC and co-author of the 1987 procedures.*