

FRAMINGHAM CITIZEN'S COMMITTEE ON THE POLICE AND THE COMMUNITY:

REPORT AND RECOMMENDATIONS

October 5, 2011

INTRODUCTION

The death of Mr. Eurie Stamps was a tragic accident that occurred during the exercise of a search warrant by the Framingham Police Department's SWAT team on January 5, 2011. A tragedy such as this has an impact far beyond the victim and his family. It affects the larger community, including the police department, town government and the residents of Framingham. All want to be sure that an incident like this is an aberration, does not diminish residents' sense of safety in their homes nor diminish public confidence in police operations or in the men and women of local law enforcement, or tear at the fabric of the diverse community that is Framingham.

The **FRAMINGHAM CITIZEN'S COMMITTEE ON THE POLICE AND THE COMMUNITY** was charged by Chief of Police Steven B. Carl with reviewing the circumstances of this tragedy, and what, if anything could be learned from this incident. Our purpose is not to assign blame, but to seek improvement.

The Committee convened on May 10, 2011 and met six times through October 4, 2011. The Committee met face to face with the Chief of Police, Deputy Chief, other police officials, and the Town Manager on several occasions to discuss issues and questions that arose from Committee members' careful study of numerous reports and official documents. These materials included Police Department files and investigation reports, the investigation report of the Middlesex District Attorney's office, and a consultant's report by SWAT expert Steve IJames commissioned by the Framingham Police Department. The Committee's deliberations were also informed by a comprehensive review of professional and scholarly research on police SWAT operations completed by Ms. Aleigh Jerome, a criminology student research assistant at Framingham State University under the direction of Dr. Timothy Flanagan.

OBSERVATIONS

Based on our review of the materials presented, including the report of the District Attorney, the Framingham Police Internal Affairs Report, the Steve Ijames independent consultant's report, police administrative policies and practices, depositions of those involved in the circumstances of January 5th, and interviews with leadership of the Framingham Police Department, we observe the following:

- The growing urban nature of Framingham, including the presence of major transportation and retail hubs, corporate headquarters, and educational and community institutions, as well as a national concern over drug use and trafficking, gang violence and a proliferation of weapons in society, requires that the police department be prepared and equipped for a variety of exigencies.
- Having a SWAT Team within the Framingham Police Department provides immediate access to resources and equipment that may be needed to significantly reduce the risk of injury and harm to officers and the general public.
- The Framingham Police Department has been judicious in the deployment of its SWAT team over its existence.
- The Framingham Police Department, by choice, does not deploy its SWAT team solely as a means for further in-service training.
- The Police Department's outreach to an independent expert on SWAT policy and practice for a review of the Stamps case and recommendations for improvement was a good decision; Major Ijames's report was helpful to the Committee and provides useful guidance to the Framingham Police Department.
- The training provided to SWAT officers appears comprehensive, although training could be expanded as recommended below.
- The decision to deploy the SWAT team on January 5th was appropriate given the associated risks and known criminal histories of the participants involved.
- The SWAT team followed existing police policies and procedures in planning for and conducting the operations of January 5th
- Following the January 5, 2011 Stamps incident, there was insufficient engagement and communication by the Town of Framingham with the Stamps family and the larger community, including the African American community. We understand that part of the difficulty was an order by the District Attorney not to release information prior to the

outcome of its investigation, and in part because of the potential of civil litigation. However, given the nature of the incident, we believe there should have been more proactive engagement and communication by Town leaders to address community questions and concerns surrounding the incident.

RECOMMENDATIONS

Police

- The Framingham Police Department should develop a written rationale for the presence of and deployment of a SWAT team in the Town of Framingham, should share this document and the operating philosophy with the community, and should issue an annual report to the community on SWAT unit activities, deployments, training, management and costs.
- The Police Department should maintain its SWAT team, but consider reducing the number of active members in order to increase the number of training hours per member per month.
- Training for SWAT team members should be increased from a minimum of 12 hours per month to 16 hours per month.
- The Police Department's SWAT Threat Assessment Matrix should be completed in writing for every incident in which mobilization of the SWAT is requested or contemplated. The completed written matrices should be maintained, included in an after-action report written following each SWAT deployment, and reviewed semi-annually by the Office of the Chief of Police.
- Police Department policies should be changed to require that tactical weapons to be "on safe" unless there is an immediate defined threat to the safety of the officer or others. (see Ijames recommendations)
- Police Department training should be updated to reflect the above change in policy. (See Ijames recommendations).
- The Committee recommends that all factors relevant to SWAT deployment be elaborated in the affidavit requesting a "No Knock" or "Knock and Announce" warrant, including:
 - (i) Whether evidence may be destroyed;
 - (ii) Whether the suspect(s) could possibly escape; and/or
 - (iii) Whether any of the target(s) are known to carry/possess weapons.

- (iv) Whether the suspect(s) is a known narcotics dealer.
 - (v) Specific facts and circumstances that indicate a strong possibility that announcing the presence and purpose of the police will result in violent resistance threatening the safety of the police or others - including the presence and description of weapons.
- The Town of Framingham and the Middlesex District Attorney's office should clarify for the community lines of authority, accountability, and communication between their offices and jurisdictions in homicide investigations, including who has statutory jurisdiction over the investigation, which office will and will not release information about the investigation, and an approximate timetable for conduct of the investigation.

Town of Framingham

- The Board of Selectmen and Town Manager should implement a plan and procedure for crisis management to ensure that timely information is communicated from designated officials to the community at large and identified community leaders. The Town needs a spokesperson who speaks on behalf of the Town.
- The Board of Selectmen and Town Manager should issue a written report regarding the Stamps investigation and hold community meetings to bring closure and give leadership for the town healing process.

Community:

- Residents should continue to view the Framingham Police Department as a highly professional, well managed and accredited force that is committed to working collaboratively with all segments of the community to ensure public safety.
- Residents should work in partnership with the police, the Framingham Public Schools, the Framingham Coalition for the Prevention of Alcohol and Drug Abuse, and other community groups to develop effective community resources to prevent substance abuse, and seek treatment services for those with substance use addictions.

- Residents should work with the police and the town's Violence Prevention Roundtable to develop plans and programs to reduce hate crime, domestic violence, youth violence with an emphasis on the contributing factor that alcohol and drugs have on acts of violence.

Respectfully Submitted,

Framingham Citizen's Committee on Police and the Community

Yvonne Brown, Liaison, NAACP – New England Area Conference

Martin Cohen, President, MetroWest Health Foundation

Beth Donnelly, Director of Community Relations, MetroWest Medical Center

Timothy Flanagan, President, Framingham State University

Brian Keyes, Chief of Police, City of Chelsea

Rev. J. Anthony Lloyd, Pastor, Greater Framingham Community Church

Paul Mina, President and Chief Professional Office, United Way of Tri-County

Michael Welch, Principal, Framingham High School