



# OFFICE OF SELECT BOARD

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August 30, 2021

Arusha Gordon  
Associate Director  
James Byrd Jr. Center to Stop Hate  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street, NW  
Suite 900  
Washington, DC 20005

Dear Ms. Gordon,

Thank you for your letter of July 30. It reflects concerns the Select Board has been hearing from residents since the allegations of misconduct within the Williamstown Police Department (WPD) first surfaced publicly a year ago. The allegations are deeply disturbing and have prompted extensive conversations within our community, and the Select Board has been addressing them on a variety of fronts since that time. Since your letter focuses primarily on the Hitler photo and how the Town should address broader issues of prejudice within our police department, this letter on behalf of the Select Board will concentrate on those two issues.

So there is no doubt: we understand, and agree, that an officer having a photo of Hitler in a police locker is unacceptable and is highly offensive to the community. He has explained that it was presented to him about 20 years ago as a joke in reference to a departing colleague who had a haircut and mustache that resembled Hitler. This explanation does not excuse his actions in posting the photo or keeping it in his locker. Even though the officer has explained the photo was never meant to represent his beliefs, his horrible judgment has caused significant pain among our residents. Again, his explanation does not excuse his conduct. We condemn it and trust we are all agreed on that issue.

The main question raised by your letter and by some in the community is whether termination is the appropriate level of response. Due to the offensiveness of the matter we believe this is a very valid question. By way of background, please recognize that pursuant to the Williamstown Town Charter and Massachusetts municipal labor law, the Select Board has no authority to terminate the employment of anyone other than the Town Manager. The Town Manager is the appointing authority for almost all other Town employees, including police officers, and has the authority to terminate them, subject of course to due process, contractual constraints and rights of appeal. The Police Chief has the authority to implement some limited levels of discipline, not including termination, but can recommend additional levels of discipline such as termination to the Town Manager.

As we would expect, town managers and police chiefs typically would confer on the appropriate level of discipline for police officers. In this case, both the former and the current Town Manager, and the former and current Police Chief, have reviewed the facts of the case and the officer's explanation and apology. They also are all familiar with Massachusetts arbitration and civil service practices and precedent, particularly including the requirements applicable to the principle of progressive discipline. Based on their reviews of the facts and the applicable Massachusetts legal standards, all four have decided that termination is not an appropriate response and, notably, likely would not be upheld in arbitration or civil service and judicial appeals under Massachusetts law and practice. The Select Board has no jurisdiction to reverse or modify those decisions. Though we understand the pain and fear that underlie the advocacy of some of our residents for termination, our understanding of the facts and applicable law is that the Select Board does not have that path available to it.

The second main question raised in your letter is what else should the Town do in response to this incident, and to other allegations that were raised either in the initial complaint by a WPD sergeant or by others subsequently. We have expressed our dismay at the allegations and have been undertaking an array of actions over the last year to investigate and respond to them and to restore trust. We appreciate you noting a couple of our responses, but it appears you may not have been fully informed of our actions, so we would like to let you know of the following steps that have been taken.


1. The Town has negotiated a resignation agreement with the former Police Chief, effective in December 2020. He was in charge of the Williamstown Police Department during most of the alleged incidents.
2. The Select Board has negotiated a resignation agreement with the former Town Manager, effective in March 2021. He was the Town Manager when the allegations first became known to him in November 2019, including the allegation regarding the photo, which the Select Board did not know about until about 10 months later in August 2020.
3. The WPD received the resignation in the Fall of 2020 of a WPD dispatcher for racially offensive Facebook posts. This resignation came within days of the Town being informed of the posts and the dispatcher being confronted about them.
4. The Select Board established an advisory committee in July 2020 (before it became aware of the sergeant's allegations in August), the Diversity Inclusion and Racial Equity (DIRE) committee, in response to the George Floyd killing and related racial equity concerns. The DIRE committee is charged to hear the voices of the underrepresented and to advise the Board on steps to address such concerns.
5. The Town hired independent investigators in early 2021 to document the allegations made by the sergeant, and by others, to determine what is accurate or inaccurate, and to recommend remedial steps for the WPD. That investigation was just completed in August and the reports are currently undergoing review for possible disciplinary consequences, policy changes, and in anticipation of making the report contents publicly available to the extent appropriate under legal requirements.
6. The Town retained a Human Resources specialist in the Fall of 2020 to conduct an audit of the Town's HR programs and practices, and that audit has been completed. Our understanding is that historically such projects would not have involved much, if any, public

- engagement, but we have departed from that practice by publicly posting it so it is available to the public for comment.
7. The Town also retained the HR specialist at the same time to rewrite and update the Town's HR policies and procedures, and that work has been submitted to the Town for review and, as above, the Select Board has also asked for public comment on that work.
  8. The WPD, on its own initiative, has entered the Strengthening Police and Community Partnerships (SPCP) community program developed by the US Department of Justice. The DOJ SPCP program is a structured dialogue to bring together people from law enforcement and the community to address distrust issues and other historical barriers that hinder police-community partnerships. The Interim Police Chief formed the community council in July 2021, whose membership includes several residents who had been critical of police practices.
  9. The WPD has started the process towards achieving certification and accreditation under the Massachusetts Police Accreditation Program. This involves programs and practices to meet a body of professional policing standards considered best practices for the profession. This is a rigorous program and it may require a couple of years to achieve certification. As one of the initial steps in this process, the WPD already has updated and rewritten its policies and sent them out to a reviewing agency for comment.
  10. The Town hired a full-time staff person in February 2021 to conduct an 18-month research project to better understand safety and well-being in Williamstown. The Williamstown Community Assessment and Research (CARES) program is being conducted under the supervision of a team of volunteer social workers. It will explore how the Town addresses public safety needs, how the residents feel about their own safety and how we can create a better sense of safety and well-being and improved policing practices. We expect that study to be completed in August 2022 and will include additional recommendations the Town should undertake.

In taking these responsive actions, we recognize we will not always be as good or as timely as some will want. However, we believe that taken together, these measures are a substantial undertaking by a small Town Hall staff and police department and a volunteer Select Board. We are committed to seeing these through. The HR audit and the investigations we commissioned contain numerous recommendations. We expect that the DOJ SPCP program, the DIRE committee, the police accreditation program and the Williamstown CARES project each will yield additional recommendations. We take all these projects seriously and intend to implement those recommendations that are best suited to building the trust and professionalism in public safety to which we aspire.

Should you wish to discuss any of these matters, or if you have any questions, please feel free to email me at [ahogeland@williamstownma.gov](mailto:ahogeland@williamstownma.gov).

Respectfully,



Andrew S. Hogeland, Chair  
Williamstown Select Board