



OFFICE OF SELECTBOARD

Andrew Hogeland, Chair ahogeland@williamstownma.gov |
413.458.3500

31 North Street, Williamstown, MA 01267 | www.WilliamstownMa.gov

August 30, 2021

The Legal Redress and Race Relations Committees
Berkshire County Branch of the NAACP
P.O. Box 605
Pittsfield, MA 01202-0605

Dear Committee Members:

I am writing in response to your letter dated August 9, 2021 regarding your request that we terminate an officer in the Williamstown Police Department. Your letter is in support of a related letter dated July 30, 2021, from the Lawyers' Committee for Civil Rights Under Law to the Williamstown Select Board and others. The Select Board is responding to the Lawyers' Committee per the attached letter, which we are sending simultaneously to you since it addresses the issues also raised in your letter.

As expressed in more detail in the attached letter, the Select Board finds the hanging of the Hitler photo on a patrolman's locker to be unacceptable and we have condemned it. We also acknowledge the harm and pain it has caused to some of our residents. The main concern expressed by your letter and that of the Lawyers' Committee is that the Select Board should terminate the officer. As explained more fully in our response to the Lawyers' Committee, under the terms of our town charter and prevailing law, the Select Board does not have that authority. Officers can be terminated by their appointing authority which, in the case of Williamstown, is the Town Manager.

The former Town Manager and the current Interim Town Manager, as well as the former Police Chief and the current Interim Police Chief have all reviewed the facts and the applicable Massachusetts legal standards. All four have decided that termination is not an appropriate response on the facts of this case and, notably, likely would not be upheld in arbitration or civil service and judicial appeals under Massachusetts law and practice. 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 has no jurisdiction to reverse or modify those decisions.

I would also like to take this opportunity to acknowledge our failure to respond to your letter of November 12, 2020 and to apologize for our failure. That letter called upon the Select Board to take several actions in addition to condemning the photo, as we have done. Your letter specifically asked that we take actions against the Town Manager and Police Chief at that time, and to conduct an independent investigation. In the intervening months, we have taken the actions requested by negotiating the resignations of both the former Town Manager and the former Police Chief, and by conducting an independent third party investigation. The investigation has just been concluded this month and is 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. In addition to the actions requested, the town has taken multiple other actions all aimed at restoring trust,

reviewing and modifying policies and practices for both police and human resources generally, and engaging in community dialogs. These actions are explained in our response to the Lawyers' Committee. We expect that many of the actions being undertaken each will yield multiple 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 .

Respectfully,

A handwritten signature in black ink, appearing to read 'Andrew S. Hogeland', with a vertical line extending upwards from the end of the signature.

**Andrew S. Hogeland, Chair
Williamstown Select Board**