

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
No. SJ-2021-0129

COMMITTEE FOR PUBLIC COUNSEL SERVICES & others<sup>1</sup>

vs.

DISTRICT ATTORNEY FOR HAMPDEN COUNTY

SECOND INTERIM ORDER

This matter is before me on a petition for extraordinary relief under G. L. c. 211, § 3, concerning alleged misconduct by unnamed members of the Springfield police department (SPD), in light of a Department of Justice (DOJ) report which concludes that, "there is reasonable cause to believe that Narcotics Bureau officers [of the SPD] engaged in a pattern and practice of excessive force in violation of the Fourth Amendment of the United States Constitution" during the years 2013 to 2018. The report states that a review of, inter alia, SPD records for these years unearthed "examples where Narcotics Bureau officers falsified reports to disguise or hide their use of force," and attributes this pattern or practice to "systematic deficiencies

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<sup>1</sup> Chris Graham, Jorge Lopez, Meredith Ryan, Kelly Auer, and Hampden County Lawyers for Justice.

in policies, accountability, and training."

After a hearing before me on July 14, 2021, an interim order issued on July 16, 2021, requiring the parties to submit status reports within sixty days on the progress of the investigation and the review of documents that, at that point, the assistant district attorney represented recently had been provided to the office of the District Attorney for Hampden County, as well as the status of the litigation in the United States District Court seeking disclosure of documents relevant to the DOJ investigation. The SPD believed that the documents provided were responsive to the specific incidents mentioned in the DOJ report, without identifying information, and the individual officers involved.

The parties now have all filed their status reports and associated exhibits. The district attorney's report describes more than 800 pages of documents received from SPD which it has disclosed to CPCS, without making any determination whether the material is exculpatory within the meaning of Brady v. Maryland, 373 U.S. 83 (1963), as the determination was made to err on the side of disclosure. Among other things, the material includes a list of thirty officers who have been identified as potentially involved in the incidents. The district attorney reported that

CPCS also has been provided information identifying the cases that the SPD identified where one of those officers testified as a witness in a criminal trial from the date of the reported incident and any time thereafter; notification to each individual defense attorney is in progress.

In light of the ongoing efforts to identify and produce the information requested, no action by this court is required at this time. The parties should continue to make reasonable efforts to effectuate disclosure of the information as far as they are able, and should continue to file periodic status reports that detail the specific steps being taken, the progress being made, and any alleged shortcomings in the efforts by either side. After receipt of the parties' submissions, I will assess the need for any further information or a hearing.

Accordingly, it is ORDERED that the parties each shall provide their next status reports by the close of business on November 22, 2021. Alternatively, a joint status report may be submitted. Subsequent reports shall be provided every forty-five days thereafter, until further order of this court.

By the Court,

/s/ Dalila Arguez Wendlandt  
Dalila Arguez Wendlandt  
Associate Justice

Entered: October 8, 2021