

## NOTICE OF FINDING

January 5, 2012

Mr. Simon Glik  
26 Bellevue Street #10  
West Roxbury, MA 02132

RE: I.A.D. Case # E2010-014

Dear Mr. Glik:

Thank you for taking the time to express your concerns over the actions of Sergeant Detective John Cunniffe, Detective Jerome Hall-Brewster, and Police Officer Peter Savalis. More specifically, you have alleged that you were unlawfully arrested for violating M.G.L. c. 272 §99 ("Interception of wire and oral communication") and that the officers choked and punched a suspect during his arrest. Your complaint of misconduct has been thoroughly reviewed by the Internal Affairs Division of the Bureau of Professional Standards.

The Internal Affairs Division of the Bureau of Professional Standards has completed a thorough investigation of these allegations and a summary of the findings are included herein. As a result of the evidence uncovered by this investigation, some violations of Boston Police Department Rules have been confirmed, while other allegations yielded no finding of misconduct.

Your Complaint included allegations that the officers involved utilized excessive force when placing a suspect under arrest; however, the investigation was unable to prove or disprove that the conduct amounted to a violation of *Rule 304 §2 – Excessive Force*. As a result, I recommended that these allegations be classified as "Not Sustained," meaning that, after a careful review and due consideration of all the facts and evidence, the investigator was unable to prove or disprove the allegation of misconduct.

Additionally, your Complaint included allegations that Detective Hall-Brewster unlawfully placed you under arrest; however, the investigation revealed that this conduct did not occur and that Detective Hall-Brewster was not aware of the charges against you until after the arrest was made. As a result, I recommended that these allegations be classified as "Unfounded," meaning that the investigation disclosed that the action complained of did not occur.

Finally, a review of Sergeant Detective Cunniffe and Police Officer Savalis' decision to place you under arrest on October 1, 2007, for a violation of M.G.L. c. 272 §99, was not consistent with the Department's Rules and Procedures. More specifically,

the investigation determined that Sergeant Detective Cunniffe and Officer Savalis used unreasonable judgment and, as a result, I recommended that the alleged violation of *Rule 102 §4 – Unreasonable Judgment* be classified as “Sustained,” meaning that the investigation disclosed sufficient evidence to support the allegation. The Boston Police Department’s Legal Advisor has reviewed these recommendations, which were accepted by Police Commissioner Edward F. Davis, and the officers may subsequently be disciplined as a result of the Sustained finding.

The aforementioned “Sustained” charges will be forwarded to the Office of the Legal Advisor for further processing. Please be advised that you may be contacted by a Department attorney and asked to give testimony at an internal Department hearing relative to your complaint. If you have any questions concerning the hearing and/or disciplinary process, you may contact the Office of the Legal Advisor at (617) 343-4550.

Should you have any questions regarding the disposition or investigation of this complaint, please contact the Internal Investigations Unit at (617) 343-4320.

If you feel that the Internal Affairs investigation of this matter was not fair and/or thorough, please be advised you have the right to appeal to the **Community Ombudsman Oversight Panel (CO-OP)**, a three-member independent civilian review board. This review board is not affiliated with the Boston Police Department and each member was appointed by Mayor Thomas M. Menino to independently review Internal Affairs cases appealed by complainants.

To commence this process, you must present your appeal in writing within fourteen (14) calendar days from the **date on this notice**. A form has been attached for your convenience, should you wish to appeal. You may also appeal via email. Please send your appeal email to **COOP.bpd@cityofboston.gov**. Enclosed is a brochure which further details the appeals process. There is **no fee required** to file this appeal.

If you properly and timely file an appeal, your case file will be forwarded to one of the three panel members for review. Once the member reviews your case file, a recommendation as to the thoroughness and fairness of the Internal Affairs investigation will be made to the Boston Police Department.

In the event you have any questions about this process, please contact the Community Ombudsman Oversight Panel at **617-594-9216** or by email at **COOP.bpd@cityofboston.gov**.

Sincerely,

  
Superintendent Kenneth Fong  
Bureau of Professional Standards

Certified mail: 7005 3110 0002 4590 7974 (Glik)  
7005 3110 0002 4590 7981 (Friedman)

cc: Howard Friedman, Attorney  
Law Offices of Howard Friedman PC  
90 Canal Street, 5<sup>th</sup> Floor  
Boston, MA 02114-2022

# Community Ombudsman Oversight Panel Appeal Form

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**Instructions:** Please sign this form to file your appeal in writing. The area below is provided should you wish to list additional comments. There is **no fee due** to file this appeal. **This form must be postmarked by the date listed below** (which is 14 calendar days from the date listed on your notice). Please mail this appeal to:

**City of Boston  
Community Ombudsman Oversight Panel  
P.O. Box 190189  
Roxbury, MA 02119**

You may also file your appeal via email to [COOP.bpd@cityofboston.gov](mailto:COOP.bpd@cityofboston.gov). **Your email appeal must be sent by 5:00PM on the due date listed below.** Just please include the information listed below in your email.

**DATE DUE**                      **January 19, 2012**

**NAME:**                              **Simon Glik**

**IAD CASE #:**                      **E2010-014**

**If you would like to provide an EMAIL Address:** \_\_\_\_\_

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To the Community Ombudsman Oversight Panel:

I would like to appeal the above listed Boston Police Department Internal Affairs Case.

**SIGNATURE** \_\_\_\_\_

**DATE** \_\_\_\_\_

If you would like, please include additional comments:

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