

**Lee Smith, former Brookline police officer
Statement at Brookline Board of Selectmen hearing**

January 5, 2016

Introduction

Hi, my name is Lee Smith. I'm a former Brookline Police Officer. I am very disappointed to see that officers Prentice Pilot and Estifanos Zerai are experiencing the same kinds of racial prejudice that I experienced when working in the Town of Brookline. I feel compelled to speak out, not only out of my desire for this Board to correct a wrong that was done to me when I was there, but more important, out of my concern for the safety of these two excellent officers.

You may find the material that you are now holding in your hands to range from being troubling to **shocking**, but it's all true.

I joined the department in April of 1998. I was officially sworn in on September of 1998, which the Town disputed by claiming that I was sworn in on February 23, 1999. To this very day, not a single Selectman, nor anyone in the Brookline Police Department, (hereafter, BPD) has been able to produce any credible evidence establishing my contention to be incorrect. The Town's officials tampered with my appointment date, and the date that I was actually sworn in as a Brookline Police Officer. This was done by the Town so that they could declare me to be a probationary employee, thus using that particular status as a pretext to my termination.

From April of 1998, I was a fully paid up member of the BPD's union. In spite of my status as a union member, I received no union representation whatsoever. I had no experience in civil service law and was forced into a position of having to fight my case against the wealthy Town of Brookline. After hearing my case and seeing the evidence, the Massachusetts Civil Service Commission reinstated me back to my position in the BPD.

The Brookline Board of Selectmen immediately rushed out to Norfolk Superior Court to have my reinstatement overturned. The legal battle went on for years; all the way up to the Massachusetts Appeals Court. There is nothing like putting the taxpayer's money to good use. One might wonder why the BPD's union, or the Massachusetts Police Union, let one of its members, who is **not** an attorney, argue a case that would set binding case law precedent for every police officer in the Commonwealth of Massachusetts.

I have decided to reduce some of my comments to writing as to not impose on the time of others waiting to speak. I have included some additional material for reading concerning the BPD, and Board of Selectmen's unequal treatment that I received as an African American officer in Brookline. The truth of the matter is, the Brookline Board of Selectmen, would have you believe that they are Liberals and believers of fair and equal justice for all. This is very simply NOT the case. In fact, you will find in these materials, a letter dated January 9, 2015, that I sent to former Brookline Selectman, now State Treasurer Deborah Goldberg. I simply sought Ms. Goldberg's assistance in reviewing my employment as a Brookline police officer. Instead of providing me assistance, I found my taxes being audited by the Massachusetts Internal Revenue Department. The only answer that I can give is that I had never been audited until I sought Ms. Goldberg out to help correct a wrong that she was involved in. Whenever one takes a stand and points out the liberal hypocrisy, the Town's officials will come after you using judges, the internal revenue, and any other means necessary. Officers Zarai and Pilot must be careful to protect themselves at all times.

The Beginning

In my early performance reports I received high ratings which also included ratings of superior performance as a police officer which is as high a rating that one could get.

There were some things in the BPD that I felt to be problematic that I would not take part in. I refused to take part in eating in restaurants and not paying for my meals. I was not into accepting freebies because I believed that it wasn't right and that people might expect certain favors from me in return.

My inclination proved to be correct. One night while on patrol Sergeant Michael Raskin pulled his cruiser up next to mine. He began shouting at me like a mad man. It was...F.... n this and F.... n that! It turned out that he was in a rage because I had written a ticket violation on someone who was "off limits." I made it very clear to Raskin that he had better not ever address me again in that manner. He calmed down and went on to tell me that in the future whenever a violation involves certain people, I was to draw a line across the ticket. The line would be an indicator to the person(s) processing the ticket to discard the ticket. Trash it! I made it clear to Raskin that I was not going to draw any lines through tickets that I write. He then went into this I'm your supervisor rage and told me that I was being disrespectful to him. Before driving off, he said "You should know that I'm a big Rush Limbaugh fan." Whatever impression he was trying to leave me with by saying that he was a fan of Limbaugh meant nothing to me, because I view Rush Limbaugh as a talented radio personality. I suspect Raskin was a big fan for other reasons.

I recall the day when Raskin, who is now Detective Raskin, asked me to change a report that I had written. He actually wanted to add something that wasn't true. I refused! He complained to my Commanding Officer, Lt. John O'leary. Raskin ordered me to report to Lt. O'leary's office, which I did, the matter was discussed and I left the office at the end of the discussion. I never changed the report.

On or about April of 1999, I was the first to arrive on the scene where an infant was having a seizure. The parents were naturally in a frozen state of panic, and what parent wouldn't be. I quickly notice that the infant wasn't showing any signs of breathing! I performed CPR which started the baby back to breathing. Thereafter, the Brookline Fire Department and EMTs arrived to transport the baby to the hospital. I wasn't looking to be praised for saving the baby's life. I considered it to be part of the job. My shift ended and I went home. Interestingly enough, only one officer in the entire department said good job Officer Smith. To this very day, I have no knowledge as to whether or not the baby's parents ever called the station to say thanks. The baby boy's name was Benjamin. I never forgot him. He would be about 16 or 17 years old now. If anyone out there should ever find him, I'd love to meet him.

In May of 1999, at about 2:00 A.M., or so, I was the first to arrive on the scene of a building that was located on Beacon Street. There was heavy smoke emanating from the lower floors. I ran up flights of stairs warning residents to get out of the building. Later during my shift, here comes Raskin with some pretty harsh words for me regarding that situation. He accused me of violating department policy by not waiting for the fire department to arrive. At this point, I'm thinking this guy is either stupid, a bigot, an idiot, or all of the above.

Very early one morning, around 4:00 A.M., while on patrol, I received a call over the radio from my C.O. He instructed me to go and sit in front of particular address and to wait. I received no further instructions. I thought this is odd. At about 5:00 A.M. or so, a man came out of the house, identified himself as judge so and so (can't remember his name). He had me drive him to Logan Airport to catch a flight. I called it off over the radio, as we are trained to do. I advised dispatch that we were in route to Logan. After dropping the judge off, I notified dispatch again to let them know that I was on my way back to Brookline. My C.O. called over the radio for me to come to his office upon my return. He advised me to never transmit over the radio that I was transporting a judge. He feared that someone in the public might hear that we were doing special favors for judges. Sgt. Raskin summed it up as improper use of radio procedures by officer Smith.

On another occasion, I was ordered to deliver a large brown envelope to another house. I never knew what was in that envelope. All I can say is, I didn't announce it over the radio and no one was angry about that. So it must have been another favor for somebody.

One afternoon myself and other officers were dispatched to house where a 911 hang up call had come from. When we approached the door, a man came to the door and declared everything to be Ok. I noticed a woman standing off in the back looking frightened out of her mind. I politely worked my way past the gent to have a word or two with his wife, while the others were talking to the man. I noticed a slight, but fresh little nick on the woman's neck. I asked if her husband had hit her. She was afraid to answer. So rather than asking, I quietly whispered to her "He Hit You." She gave a faint yes nod. I came out front and reported that the man had physically abused his wife and must be arrested. I was pulled aside and was told that the man was a surgeon at Brigham & Women's Hospital. I said the law obligates us to lock this guy up regardless of his professional status. They looked at me like who's the new guy here, us or you. Anyway they gave the people a white card and left the house. I was sickened by what happened, and it still haunts me to this very day.

The Middle

Raskin began having me assigned to dispatch duty. This way he could come in and out of the dispatch room to bog me down with tons of paper work that had nothing to do with dispatching or taking 911 calls. He used the dispatch room assignment as a vehicle for writing me poor performance evaluations. Here, is where he recruited a number of officers in the department to help him out. By the way, I was given a heads up on what was going on by another officer. There were a few good guys in the department. Anyway, one of the bad officers was a Sergeant Myles Murphy. I understand he is now Captain Murphy. When I was in the BPD, the inside policy was that three officers were to be inside to take calls, with two officers being assigned in the actual dispatch room. The absolute strict policy was that the dispatch room was to be maned at all times by two officers. If one of the officers had to take a breather, a third officer sitting at the front desk would replace him. Raskin and Murphy would have the other officer assigned with me in dispatch to leave the dispatch room during peak hours. In addition, to taking regular 911 calls every unit that was out on patrol would start calling in an unusual high volume of traffic stops. In addition to that, guys were calling in to report things like a beer can in the street or a tree twig. I even received calls from officer's family members

reporting petty stuff. While all of this nonsense was going on, my C.O. would come in complaining about some stupid detail assignment list that I might have missed

4

assigning to someone. All of this was being done to cause error so that they could have something negative to write in my performance report. They had one goal and one goal only. Get officer Smith. They could have cared less about public safety.

In fact, while working inside I witness my supervisors spending an enormous amount of time watching porn movies. Mind you, I'm constantly thinking to myself, these morons are evaluating my job performance. How pathetic!

The end

They compiled some minor mistakes that were placed in my performance reports, along with other unfounded petty issues, and then they made their move to get rid of me. They would later argue that my performance in dispatch disqualified me from remaining in the Brookline Police Department. Here is what's strikingly interesting about my working inside: There was a white officer who was assigned to work inside due to injuries sustained while **recklessly** driving a cruiser. That officer's probationary period was extended by a total of three months because the Brookline PD did **not** consider working inside to be a fair and reasonable way to evaluate an officer's performance. This is supported by the fact that some probationary officers, as well as others, never worked a single day inside. However, when it came to me, any and every tiny little thing that happened inside counted as a basis for termination by the Liberal Brookline Board of Selectmen. The BPD, and the Board of Selectmen also argued that I needed to be dismissed because I was bad for the moral of the other officers in the department.

Somehow, the white officers in the BPD who had committed truly egregious acts such as: stealing, failing to report a stolen duty weapon, getting others to cover up a stolen duty weapon, fixing tickets, battery upon citizens, being arrested for drugs, OUI, solicitation of prostitution, battery upon a prisoner, and even domestic violence, are qualified to remain as Brookline police officers. The actions that the Board of Selectmen has taken throughout the years to retain certain officers that you wouldn't want near your family members defies common sense.

For the past year, I have requested the Brookline Board of Selectmen to revisit the circumstances surrounding my departure and to grant me official retirement status from the Brookline Police Department. I have also made it perfectly clear to the Selectmen

that I am making this request for retirement without pay. I'm not asking for one cent from the Town. I simply want to correct a wrong that was done to me.

5

Officers Prentice Pilot and Estifanos Zerai are two excellent officers and it is my hope that this Board of Selectmen will give these two officers the respect that they deserve.

Respectfully,

Lee Smith,

